

MESSAGE

OF

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

To Congress information that he had ceased to hold intercourse with the envoy extraordinary and minister plenipotentiary of her Majesty the Queen of the United Kingdom of Great Britain and Ireland near this government, with the considerations of public duty which have led to this measure, and the documents relating thereto.

MAY 29, 1856.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

MAY 29, 1856.—Ordered, That 10,000 additional copies of the message and documents be printed for the use of the Senate.

To the Senate and House of Representatives:

I have ceased to hold intercourse with the envoy extraordinary and minister plenipotentiary of her Majesty the Queen of the United Kingdom of Great Britain and Ireland, near this government.

In making communication of this fact it has been deemed by me proper also to lay before Congress the considerations of indispensable public duty which have led to the adoption of a measure of so much importance. They appear in the documents herewith transmitted to both houses.

FRANKLIN PIERCE.

WASHINGTON, May 29, 1856.

LIST OF PAPERS.

Mr. Dallas to Mr. Marcy, (with accompaniments,) May 1, 1856. Extract.

Mr. Marcy to Mr. Dallas, (with accompaniments,) May 27, 1856.

Same to Mr. Crampton, May 28, 1856.

Same to Mr. Barclay, (with an accompaniment,) May 28, 1856.

Same to Mr. Rowcroft, May 28, 1856.

Proceedings of the circuit court of the United States for the eastern district of Pennsylvania, May 22, 1855, as reported in the Philadelphia North American of May 23, 1855.

Mr. Dallas to Mr. Marcy.

[Extract.]

[No. 8.]

LEGATION OF THE UNITED STATES,

London, May 1, 1856.

DEAR SIR: I sent my No. 7 to Liverpool, to go by the steamer Atlantic, on the morning on the 30th April, some hours before receiving the note, of which a copy is annexed, from Lord Clarendon, apologizing for not having been able to get his reply to your despatch ready in time. Yesterday evening that reply, in form addressed to me, was received at the legation. I have this morning acknowledged its reception by a note, the copy of which also accompanies this despatch. And I now transmit to you, by the earliest opportunity, the steamer Asia, on the 3d instant, full and exact copies of that document and the papers attached to it.

* * * * *

I am, &c.,

G. M. DALLAS.

Hon. WM. L. MARCY,
Secretary of State.

Mr. Dallas to Lord Clarendon.

LEGATION OF THE UNITED STATES,

May 1, 1856.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to acknowledge the receipt yesterday of a note, dated on the 30th of April, 1856, from the Earl of Clarendon, her Majesty's Principal Secretary of State for Foreign Affairs. This note, purporting to be a reply to the statements, views, and arguments contained in the despatch addressed by Mr. Marcy, the Secretary of State, to Mr. Buchanan, the predecessor of the undersigned, on the 28th of December, 1855, a copy of which despatch was left with the Earl of Clarendon on the 29th of January, 1856, and purporting also to set forth additional reasons, with documents and affidavits not heretofore communicated to the American government, impeaching the veracity and moral standing of the principal witnesses, prosecuting officers and others, connected with the judicial investigations had on the proceedings within the limits of the United States to effect the enlistment of soldiers for the British army, it will be the care, as it is the duty, of the undersigned to transmit, in copy, to Mr. Marcy by the steamer of Saturday, the 3d instant.

The undersigned having received no instructions which authorize his interference with the correspondence on the subject of the Earl of Clarendon's note, withholds any observation, and he begs his lordship to accept the renewed assurance of his most distinguished consideration.

G. M. DALLAS.

Lord Clarendon to Mr. Dallas.

The undersigned, her Majesty's Principal Secretary of State for Foreign Affairs, had the honor to receive, on the 29th of January, from Mr. Buchanan, envoy extraordinary and minister plenipotentiary of the United States at this court, a copy of a despatch, dated the 28th of the previous December, addressed to Mr. Buchanan by Mr. Marcy, Secretary of State of the United States, containing observations on a despatch which the undersigned had directed her Majesty's minister at Washington to communicate to Mr. Marcy. Mr. Marcy's despatch was in continuation of the discussion which had been some time pending between the two governments on the subject of the conduct which was alleged by the government of the United States to have been pursued by certain of her Majesty's officers, in giving effect to the intentions of her Majesty's government to receive into the military service of the Queen any persons who, coming from any quarter into her Majesty's dominions, might then be willing to engage in that service.

The undersigned has hitherto deferred replying to Mr. Marcy's despatch, not only because it was more consistent with the respect which her Majesty's government entertain for the United States thoroughly to inquire into the allegations contained in it, but also because it was just and right towards her Majesty's officers whose conduct was impugned, to put them in possession of the charges brought against them, and to give them that opportunity of explanation and defence which was then for the first time afforded them.

The undersigned, before he adverts to Mr. Marcy's last despatch, must express his deep regret that the government of the United States should have deemed it necessary to continue a controversy on a question which Mr. Buchanan considered at the time would be finally settled by the note of the undersigned of the 16th of July, 1855—a note which Mr. Buchanan said he would transmit with much satisfaction to his government. The undersigned had, indeed, hoped that that note, together with his subsequent communications of the 27th of September to Mr. Buchanan, and of the 16th of November, through Mr. Crampton, to the government of the United States, would have been accepted by a friendly government such as that of the United States, as a disclaimer of any intention to give offence, and as a satisfaction for any offence which that government might have been led by circumstances to think had, though unintentionally, been given.

For what has been the course of the transactions which have given rise to this correspondence?

On the breaking out of the late war between the Western powers and Russia, the British government was informed that many persons resident within the United States—some natives of the continent of Europe, and some natural-born subjects of her Majesty—were desirous of entering into the military service of Great Britain. The British government, believing the information they had received on this matter to be well founded, and being anxious to increase, as rapidly as possible, their military force, took steps to avail themselves of this

disposition, and gave directions that any persons presenting themselves within the British North American provinces, willing to enlist and found fit for service, should be engaged for the British army. But her Majesty's government gave the most positive orders that in making arrangements for this purpose, nothing should be done to infringe, in any manner whatsoever, the neutrality laws of the United States.

It was not doubted that such arrangements might be carried into execution without any violation of those laws, because those laws prohibit enlistments or engagements only within the territories of the United States; they do not forbid citizens of the United States, or residents therein, from leaving those territories; nor do they forbid such citizens, or other persons, from engaging or enlisting in military service elsewhere, when of their own free will, and without any previous contract or engagement, they may have left those territories.

The intentions of the British government, and the arrangements made to carry those intentions into execution, were not concealed from the government of the United States.

Those intentions and arrangements were frankly stated by Mr. Crampton to Mr. Marcy in a conversation on the 22d of March, 1855, and the only observations which Mr. Marcy made in reply were, that the neutrality laws of the United States would be rigidly enforced, but that any number of persons who desired it might leave the United States and get enlisted in any foreign service.

Up to this point, therefore, there was no misunderstanding as to the purpose of the British government, and no difference of opinion as to the legality of the course which that government intended to pursue. But the British government soon found, by accounts which reached them from the United States, that it would be difficult to prevent the execution of the contemplated arrangements from being attended by circumstances which might give rise to discussions between the two governments. It was seen that however strict might be the orders of her Majesty's government that nothing should be done in contravention of the laws of the United States, and however scrupulous her Majesty's officers in America might be in obeying those orders, yet a misconception of the precise bearing of those laws might lead some of those officers unintentionally to overstep their limits, while other persons, either from honest zeal, or for the sake of gain, or from a desire to entrap her Majesty's officers, might do things at variance with the provisions of those laws. Her Majesty's government, therefore, being most anxious that nothing should happen to disturb the good understanding between the two governments, and being desirous of showing unequivocally their respect for the laws of the United States, at once, and of their own accord, determined to give up the further prosecution of the arrangements in question, and they accordingly sent out to Canada and to Nova Scotia, on the 22d of June, 1855, orders to discontinue all further proceedings in the matter of enlistment for the foreign legion.

A fortnight after these orders had been sent out, the undersigned received from Mr. Buchanan a note, dated July 6, alleging that the neutrality laws of the United States had, in many instances, been

violated by persons taking steps (either with or without the approbation of the British government) for the purpose of engaging or enlisting within the United States recruits for the British service; and Mr. Buchanan, in the conclusion of his note, stated that "the President would be much gratified to learn that her Majesty's government had not authorized the proceedings complained of, but had condemned the conduct of its officials engaged therein, and had visited them with its marked displeasure, as well as taken decisive measures to put a stop to conduct contrary to the law of nations, the laws of the United States, and the comity which ought ever to prevail in the intercourse between the two friendly powers."

The undersigned, in reply to this note, expressed to Mr. Buchanan, on the 16th of July, the regret of her Majesty's government, if the law of the United States had been in any way infringed by persons acting with or without authority from her Majesty's government; and he stated that any such infringement of the law of the United States would be contrary to the wishes and the positive instructions of the British government.

The undersigned went on to explain his reasons for believing that no person authorized to act for the British government had violated the law of the United States; and, in conclusion, he stated that the request of the President, that decisive measures might be taken to put an end to these proceedings, had been anticipated by the spontaneous act of her Majesty's government, who had a fortnight before the receipt of Mr. Buchanan's note sent out orders to put an end to the arrangement for enlisting within the North American provinces persons who might come there from other places.

Mr. Buchanan, in reply, said, in a note dated the 18th of July, that he should feel much satisfaction in transmitting to his government the note of the undersigned.

So strong appears to have been the impression on the mind of Mr. Buchanan of the satisfactory nature of this communication, that when afterwards he received a despatch from Mr. Marcy, with renewed instructions to address remonstrances to the British government on the subject of the recruiting proceedings, he abstained from acting upon those instructions, and withheld Mr. Marcy's despatch containing them from the knowledge of her Majesty's government, obviously because he perceived by its date (the 15th of July) that it was written long before the note of the undersigned, of the 16th of July, could have been received by Mr. Marcy, and because he concluded that when that note should have been received, the government of the United States would be satisfied with its contents.

For a considerable time this conclusion appeared well founded. On the 5th of September, however, Mr. Marcy addressed a note to Mr. Crampton, not alleging that fresh subjects of complaint had arisen since the receipt in America of the British orders of the 22d of June, but going back to the same transactions to which Mr. Buchanan's note of the 6th of July had adverted, and renewing all his original complaints, as if no notice had been taken of his former representation, as if no regret had been expressed, and as if no measures had

been adopted to put an instant stop to the proceeding out of which his complaints had originated.

A communication so much at variance with what Mr. Buchanan's note of the 18th of July had led her Majesty's government to expect, might well be received with some feelings of surprise, inasmuch as they believed that they had given to the government of the United States every satisfaction which one government could reasonably expect to receive from another in a case of this kind.

The undersigned, however, on the 27th of September, replied to Mr. Marcy's note, answering the allegations renewed in it, and repeating that her Majesty's government had no reason to believe that any of her Majesty's servants, or any agents duly authorized by them, had disregarded the injunctions to respect and to obey the laws of the United States.

Nevertheless, the government of the United States still considered this answer unsatisfactory, and on the 13th of October Mr. Marcy addressed another despatch on these matters to Mr. Buchanan, which was communicated to the undersigned on the 1st of November. In that despatch Mr. Marcy renews his general assertions that her Majesty's officers in America had violated the laws of the United States; he refers to his despatch of the 15th of July, which Mr. Buchanan had abstained from communicating on the supposition that the note of the undersigned of the 16th July had finally settled the question at issue, and he states that the said despatch of the 15th of July indicated the satisfaction which the government of the United States believed it had a right to claim from the government of Great Britain.

This despatch of the 15th of July, which was not communicated to the undersigned by Mr. Buchanan till the 2d of November, concludes by saying, that "the President is disposed to believe that her Majesty's government has not countenanced the illegal proceedings of its officers and agents since its attention was first directed to the subject, and will consider it alike due to itself and to the United States to disavow their acts, and deal with them in such a manner as their grave offence merits;" but that, "as recruiting for the British army in the mode alluded to is still prosecuted" (as he believed) "within the United States by officers and agents employed for that purpose, the President instructs Mr. Buchanan to say to her Majesty's government that he expects it will take prompt and effective measures to arrest their proceedings, and to discharge from service those persons now in it who were enlisted within the United States or who left the United States under contracts made here to enter and serve as soldiers in the British army."

This, then, is the satisfaction which, as late as the 13th of October, Mr. Marcy declared was that which the government of the United States demanded.

With respect to the first part of this demand, her Majesty's government deny that any illegal proceedings were, so far as they know, committed by its officers or authorized agents, and therefore they have none to disavow, and no officers or agents to deal with as offenders. With regard to the other points specified by Mr. Marcy, the under-

signed, on the 16th of November, deeming it respectful to the government of the United States to do so, entered into a detailed, and, as he had hoped, a satisfactory reply to the arguments and statements contained in Mr. Marcy's despatch of the 13th of October. In that reply the undersigned stated that the most material point, that of the alleged recruiting, had been already disposed of, for nearly four months before the date of that despatch the recruiting arrangements and proceedings had been abandoned by orders sent by her Majesty's government, on the 22d of June; and that the second part of the satisfaction required it was not in their power to give, because no person had, to their knowledge, been enlisted within the United States, or left the United States under contract made therein to enter into service in the British army. And he further added, that if it could be shown that any men had been so enlisted, they should immediately be discharged and sent back to the United States. The undersigned thus showed that the satisfaction claimed by the government of the United States had long since been given, as far as it was, in the nature of things, possible to give it; and, in addition to the satisfaction asked for, he expressed the regret of her Majesty's government if anything had been done by any person, authorized or unauthorized, which could be considered an infringement of the law of the United States.

It might naturally have been supposed that the correspondence would here have ended. Regret had been expressed for any infringement of the law of the United States, if any had taken place, notwithstanding the positive and repeated orders of her Majesty's government to the contrary. The satisfaction which the government of the United States, after mature deliberation, had demanded, had either been spontaneously and by anticipation granted, or had been shown to be impracticable because there was no man in the British service whose enlistment, or contract to enlist, had, to the knowledge of her Majesty's government, taken place in the manner specified by Mr. Marcy in his despatch of the 15th of July, and whose discharge, therefore, could form part of the satisfaction indicated by Mr. Marcy. Her Majesty's government, however, expressed their readiness to give that satisfaction also, if any case should be established to which it could apply.

Her Majesty's government were, however, disappointed in the confident expectation which they had entertained, that this further explanation would prove satisfactory, for, on the 29th of January of the present year, Mr. Buchanan communicated to the undersigned a despatch from Mr. Marcy, dated the 28th of December preceding, recapitulating the complaints of the government of the United States, and making a demand in the way of satisfaction different from those which were mentioned in Mr. Marcy's note of the 15th of July, and which were referred to in his despatch of the 13th of October, as the satisfaction which the government of the United States believed itself entitled to claim. This demand consisted in an application for the recall of her Majesty's minister at Washington, and of her Majesty's consuls at Philadelphia, New York, and Cincinnati. It will naturally be asked whether any new ground had been found for this demand, or whether any new event had happened between the 13th of October and the 28th of December in which these officers of her Majesty had been concerned?

Nothing of the kind had taken place, and the accusations made against these officers in Mr. Marcy's despatch of the 28th of December rest upon statements which were equally within the knowledge of the government of the United States on the 13th of October, when no such demand was made.

Before the undersigned proceeds to reply to Mr. Marcy's note of the 28th of December, he must notice an erroneous construction which Mr. Marcy has there put upon a passage in a despatch of the 12th of April, 1855, from the undersigned to Mr. Crampton, which was communicated by him to Mr. Marcy. The passage is as follows: "I entirely approve of your proceedings, as reported in your despatch (No. 57) of the 12th ultimo, with respect to the proposed enlistment in the Queen's service of foreigners and British subjects in the United States." Mr. Marcy assumes, and argues upon the assumption, that the meaning of this passage was that the enlistments of the persons mentioned, and which were approved of by her Majesty's government, were to take place within the United States; whereas the sentence, according to its obvious meaning, relates to foreigners and British subjects resident in the United States. The word "in" has reference to the place where they resided, and not to the place where they were to be enlisted; and if any doubt could arise on this point, that doubt must have been removed by the concluding passage, which adverts to the neutrality law of the United States, and says that her Majesty's government would on no account run any risk of infringing that law. This construction of the passage under consideration does not appear to have occurred to Mr. Marcy at the time when the despatch of the undersigned of the 12th of April was communicated to him by Mr. Lumley. So far from it, Mr. Marcy expressed to Mr. Lumley his satisfaction with that despatch, and desired that he might be furnished with a copy of it, in order that he might show it to his colleagues.

The undersigned must also further observe, that Mr. Marcy, in the same despatch, has misconceived the meaning of an expression used by the undersigned in making an offer, above referred to, that any man who might have been enlisted within the United States should be immediately discharged and sent back. The reference there made to British law was merely intended to indicate, that if persons had been enlisted under the circumstances supposed, such enlistment would have been at variance with British, as well as with American law; but the undersigned did not mean that respect would not be paid, in the discharge of men, to the principles of the law of the United States alone, should that law appear to have been violated in a single case.

In reply to the general statements of Mr. Marcy's despatch, the undersigned must repeat that her Majesty's government gave the most positive orders that no man should be enlisted or engaged within the territory of the United States, and that the neutrality laws of the United States should be strictly and scrupulously respected. But Mr. Marcy now contends that this was not enough; and though, in conversation with Mr. Crampton on the 22d of March, 1855, he said that he could not object to any number of persons going to Nova Scotia to

be there enlisted, provided the neutrality laws of the United States were not infringed, he now argues that the enlistment in Nova Scotia of persons coming thither from the United States was a violation of the policy of the United States, and that not to respect that policy was an offence on the part of Great Britain against the sovereign rights of the United States.

Now, in reply to this, the undersigned begs to observe that the policy of a nation in regard to its internal arrangements must be sought for in the laws of that nation; that what those laws forbid, it must be understood to be the policy of the State to prohibit; and that what those laws do not forbid, it must be understood to be the policy of the State to allow. In every State, whatever may be its form of government, there is a sovereign power; that sovereign power may impose upon the subjects or citizens of such State what duties, obligations, and restrictions it may think fit; and it is a necessary conclusion that when the sovereign power puts a limit to its enactments, whether of obligation or of prohibition, it means to leave its subjects or citizens free in regard to all matters not within the enactments of the law. This principle is indeed admitted by Mr. Buchanan's note of the 6th of July, wherein he lays it down that the neutral policy of the United States is "defined and enforced" in the statute of 1818.

Different countries have different laws in regard to the enlistment of their subjects and citizens in the military and naval service of other States, and these laws vary according to the different policy of these countries with respect to such matters.

In Great Britain the law not only prohibits recruiting or enlisting within the British dominions for the service of any foreign State, without the permission of the sovereign, but it goes farther, and prohibits any subject of her Majesty from so enlisting, even elsewhere, without the Royal permission. The policy of Great Britain hence appears to be to prevent British subjects from entering at all into the service of foreign States without the permission of the Crown.

The law of the United States appears to be different. Her Majesty's government understood—and that understanding is confirmed by Mr. Buchanan's note of the 6th of July—that the law of the United States only forbids enlistments, recruiting, and contracts or engagements within the United States, and hiring or retaining persons to quit the United States with intent to be enlisted elsewhere, but it does not forbid citizens of the United States, who may have used their natural right of quitting the United States, to enlist into the service of a foreign State, when they have left their own country. The sovereign power of the United States might, if it had chosen to do so, have followed its citizens with a prohibitory enactment beyond the territory of the United States; but it has not thought fit to do so, and the just and inevitable conclusion is, that what it might have forbidden, but has not forbidden, it has designedly allowed—that is to say, in other words, that it is the policy of the United States to prevent foreign enlistments within the United States, but that it is not the policy of the United States to forbid citizens of the United States to enlist, when out of the United States, into the service of foreign States, if they should choose to do so.

Such being the state of this matter, it is obvious that the British government cannot justly be charged with any disregard of the policy of the United States, nor with any disrespect to their sovereign rights, by taking into the Queen's military service any persons who, having come from the United States, freely and without contract or engagement, into a British territory, might then be willing to enlist.

The real questions at issue between her Majesty's government and that of the United States are, whether the British government ordered or contemplated any violation of the neutrality laws of the United States; whether, if the British government did not order or contemplate such violation, those laws were nevertheless violated by persons acting with the authority or approbation of the British government; and lastly, whether, if any violation of the law of the United States did take place, sufficient satisfaction has been given to the government of that country.

In regard to the first point, the British government neither ordered nor contemplated any violation whatever of the laws of the United States; but, on the contrary, issued the most positive and repeated orders that those laws should not be infringed by any persons acting under their authority.

In regard to the second point, Mr. Marcý alleges that, notwithstanding the orders of the British government, officers and agents of that government did, within the United States, do things which were a violation of the neutrality laws of the United States; and Mr. Marey specifically makes this charge against Mr. Crampton, her Majesty's minister at Washington, and against her Majesty's consuls at Cincinnati, Philadelphia, and New York.

With respect to Mr. Crampton, the undersigned has to state that Mr. Crampton positively and distinctly denies the charge brought against him. He declares that he never hired, or retained, or engaged a single person within the United States for the service of her Majesty, and that he never countenanced or encouraged any violation of the law of the United States. The charge brought against Mr. Crampton is mainly founded upon evidence given by Strobel on the trial of Hertz, and on the so-called confession of Hertz himself. One of these persons, Strobel, was, in consequence of his misconduct, dismissed from employment by the lieutenant-governor of Nova Scotia at Halifax, and afterwards applied to Mr. Crampton, and endeavored to extort money from him by a threat, which was of course disregarded. The undersigned has the honor to transmit, as enclosures to this note, documents which sufficiently prove that both Strobel and Hertz are wholly unworthy of credit. It is impossible for her Majesty's government to set the assertions of such men as these against the declaration of Mr. Crampton, a man of unquestionable honor.

The undersigned must indeed remark, that the whole proceeding in regard to the trial of Hertz was of such a nature that, whilst her Majesty's minister and her Majesty's consuls might be, and indeed were, inculpated by the evidence of unscrupulous witnesses, that minister and those consuls had not any means or any opportunity of rebutting the charges which were thus incidentally and indirectly brought against them.

With regard to her Majesty's consuls at Cincinnati, Philadelphia, and New York, they all equally deny the charges which have been brought against them, and they declare that they have in no way whatever infringed the laws of the United States.

With respect to Mr. Rowcroft, her Majesty's consul at Cincinnati, the undersigned has to observe, that legal proceedings against that gentleman are still pending. As to the origin, character, and nature of those proceedings, the undersigned might have much to say ; but, as they are still pending, he abstains from doing so. He must, however, be permitted to remark, that it would at all events be inconsistent with the plainest principles of justice to assume as established, charges which are still the subject-matter of judicial investigation.

The accusation against Mr. Mathew, her Majesty's consul at Philadelphia, rests entirely upon assertions made by Hertz. Those assertions are positively denied by Mr. Mathew, and her Majesty's government can scarcely believe that the government of the United States, with the knowledge which it will have obtained of the character of Hertz, will hesitate to concur with the government of her Majesty in giving credit to Mr. Mathew.

With respect to Mr. Barclay, her Majesty's consul at New York, he declares that he neither favored the alleged recruiting nor participated in it, nor was informed of the hiring, retaining, or engaging any man for that purpose.

Her Majesty's government cannot but accept the denial of these gentlemen as more worthy of belief than the assertions and evidence of such men as Hertz and Strobel.

But Mr. Marcy considers that the conduct of Mr. Barclay in the affair of the barque Maury ought to be an additional reason why her Majesty's government should recall him. Upon this the undersigned must observe that Mr. Barclay received information, on oath, from persons in the service of the United States, leading to the belief that the barque Maury was fitting out with designs hostile to British interests, and at variance with the neutrality laws of the United States. It was Mr. Barclay's bounden duty to communicate that information, without delay, to her Majesty's minister at Washington. Mr. Barclay did so, and his direct action in the matter was then at an end. Mr. Crampton submitted this information to the proper authorities of the United States, in order that they might determine what proceedings, if any, it might be right to take thereupon. The officers of the United States considered the *prima facie* case against the "Maury" to be sufficient to call for proceedings on their part. Such proceedings were accordingly instituted by them, and not by Mr. Barclay, whose conduct in regard to the "Maury" was in strict performance of his duty, and received the approval of her Majesty's government.

With regard to the last point, the undersigned must refer to the offers of satisfaction and to the explanations already made, and to the repeated expression of the sincere regret of her Majesty's government, if, contrary to their instructions, and to their reiterated directions, there has been any infringement of the laws of the United States.

The undersigned has now had the satisfaction of communicating to the government of the United States the statements and declarations

of her Majesty's minister at Washington, and of her Majesty's consuls at Cincinnati, Philadelphia, and New York, as to the conduct imputed to them.

The government of the United States had been led to suppose that the law and the sovereign rights of the United States had not been respected by her Majesty's government, and, relying upon evidence deemed to be trustworthy, they believed that that law and those rights had been infringed by British agents.

If such had been the case, the government of the United States would have been entitled to demand, and her Majesty's government would not have hesitated to afford, the most ample satisfaction; for no discredit can attach to the frank admission and complete reparation of an unquestionable wrong. Her Majesty's government, however, unequivocally disclaim any intention either to infringe the law or to disregard the policy, or not to respect the sovereign rights of the United States; and the government of the United States will now, for the first time, learn that her Majesty's minister at Washington, and her Majesty's consuls at New York, Philadelphia, and Cincinnati, solemnly affirm that they have not committed any of the acts that have been imputed to them. The government of the United States will now, also, for the first time, have an opportunity of weighing the declarations of four gentlemen of unimpeached honor and integrity against evidence upon which no reliance ought to be placed. The undersigned cannot but express the earnest hope of her Majesty's government that these explanations and assurances may prove satisfactory to the government of the United States, and effectually remove any misapprehension which may have hitherto existed; and he cannot doubt that such a result will afford as much pleasure to the government of the United States as to that of her Majesty, by putting an end to a difference which has been deeply regretted by her Majesty's government; for there are no two countries which are bound by stronger ties or by higher considerations than the United States and Great Britain to maintain unbroken the relations of perfect cordiality and friendship.

The undersigned requests Mr. Dallas to accept the assurance of his highest consideration.

FOREIGN OFFICE, *April 30, 1856.*

CLARENDON.

Captain Strobel to Mr. Crampton.

Boston, *July 11, 1855.*

SIR: I have been recalled to Halifax, as you have learned by your visit to Niagara barracks from Mr. Preston.

I was treated in Halifax like a criminal; discharged and cast off from Sir Gaspard as a useless tool. Exactly the same report I had sent to you by a messenger, who unfortunately missed you, I handed to Sir Gaspard, but in vain; not one question was put to me; not one word heard of my defence. Thirty pounds currency were paid to me as a

travelling expense to wherever I would like to go, and by Sir Gaspard's opinion the play was at an end.

Excellency, with the highest respect, I was devoted to you; my pride was your confidence, and my determination was to do my best to have success.

However, I will not defend myself—it is too late. I arrived in the United States last Friday. I cannot find employment, as you easily comprehend. I must leave this country, and my conclusion is to repair to Constantinople.

I beg of your excellency to furnish me with the necessary means to effect this my purpose.

I beg of your excellency to place in my hands, through somebody, the sum of £100 sterling.

Be assured, with burning shame in my heart I write. I have now been two times by one of the best lawyers in Boston. I am about well enough acquainted with the whole business in the United States to stop it at once. My non-commissioned officers have been attested soldiers of her Britannic Majesty, and have been sent, with your knowledge, into the jurisdiction of the United States.

You have been present when I (or we) received orders in the provincial building at Halifax.

But little could be said about all this, had not that smart Mr. Preston sent written orders to me and my officers in the United States, which I hold still in my possession, requesting accounts of money spent for recruiting, &c., &c., signed by order of his excellency Sir Gasp. Le Marchand, stating about reports sent to his excellency Mr. Crampton. In short, my lawyer told me that he will take matters up the very moment I wish him to do so, and that he at once will procure my bail by turning state's evidence.

Excellency, I beg of you to spare me this mean, shameful act, and to send me, directly after receiving my letter, a telegraph despatch if you think to fulfil my request, and when the money will be sent.

Shall I receive no answer till next Thursday evening? I have at once all the parties arrested from Boston to Lewisville: my lawyer can proceed, and every written order in my possession, &c. You remember the letter you sent by Turnbull to Preston.

Whatever may compromise the Engl. government, and prove violation of the neutrality law of the United States, I will put in his hands. Furnish me with the means to leave, and I start with the first opportunity to Europe.

I remain, &c.,

M. V. S.,
Captain.

My address in Boston is, Henry Santhon, at the new Winthrop House, opposite the Common.

Affidavits respecting Captain Strobel.

STATE OF NEW YORK, ss :

By this public instrument, be it known to all whom the same doth or may concern, that I, Charles Edwards, a public notary in and for the State of New York, by letters patent under the great seal of the said State, duly commissioned and sworn, and in and by the said letters patent invested "with full power and authority to attest deeds, wills, codicils, agreements, and other instruments in writing, and to administer any oath or oaths to any person or persons," do hereby certify, that on the day of the date hereof, before me personally came and appeared Maximilian August Thoman, of No. 7 Allen street, New York ; and he being duly sworn by me, did depose and say, that from all he knows and has been informed, he verily believes that Captain Max Strobel is, and has been for some months past, in the pay of the Russian government, and is made use of by Russian officials in the United States ; and he says that the amount he (Strobel) receives for the same has been openly stated, namely, the sum of twenty-five dollars a week.

Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done at the city of New York, in the said State of New York, the 26th day of October, in the year of our Lord 1855.

In premissorum fidem.

M. A. THOMAN.
CHARLES EDWARDS,
35 Pine street, New York.

STATE OF NEW YORK, ss :

By this public instrument, be it known to all whom the same doth or may concern, that I, Charles Edwards, a public notary in and for the State of New York, by letters patent, under the great seal of the said State, duly commissioned and sworn, and in and by the said letters patent invested "with full powers and authority to attest deeds, wills, codicils, agreements, and other instruments in writing, and to administer any oath or oaths to any person or persons," do hereby certify, that on the day of the date hereof, before me personally came and appeared Major Henry Jacob Tack, of the city of Newark, State of New Jersey, United States of America, and he being by me duly sworn, did depose and say, that he was formerly, and before the revolution commenced in Baden, an officer in the Bavarian artillery, and in the revolutionary army of Baden, being commander of its artillery. That this deponent has understood that Max F. O. Strobel has given out and testified that he was in the Bavarian artillery, whereas deponent, who knew every man in the said artillery, says and deposes that it is false, for that there was no man of that name in such artillery ; but this deponent remembers that there was a man in some subordinate capacity, in some other branch of the army, of the name of Stro-

bel, charged with something of a criminal character, but at this distance of time he does not remember the particulars.

Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done at the city of New York, in the said State of New York, the 8th day of November, in the year of our Lord 1855.

HENRY J. TACK.

CHARLES EDWARDS,

35 Pine street, New York.

STATE OF NEW YORK, ss:

By this public instrument, be it known to all whom the same doth or may concern, that I, Charles Edwards, a public notary in and for the said State of New York, duly commissioned and sworn, and in and by the said letters patent invested "with full power and authority to attest deeds, wills, codicils, agreements, and other instruments in writing, and to administer any oath or oaths to any person or persons," do hereby certify that, on the day of the date hereof, before me personally came and appeared Osear Cromrey, and he being again sworn by me, did further depose and say, that from all he knows and has been informed, he verily believes that Capt. Max Strobel is, and has been for some months past, in the pay of the Russian government, and is made use of by Russian officials in the United States; and he says that the amount he (Strobel) receives for the same has been openly stated, namely, the sum of twenty-five dollars a week.

Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done at the city of New York, in the said State of New York, the 27th day of October, in the year of our Lord 1855.

In premissorum fidem.

OSCAR CROMREY.

CHARLES EDWARDS,

35 Pine street, New York.

STATE OF NEW YORK, ss:

By this public instrument, be it known to all whom the same doth or may concern, that I, Charles Edwards, a public notary in and for the State of New York, by letters patent under the great seal of the said State, duly commissioned and sworn, and in and by the said letters patent invested "with full power and authority to attest deeds, wills, codicils, agreements, and other instruments in writing, and to administer any oath or oaths to any person or persons," do hereby certify that on the day of the date hereof, before me personally came and appeared Conrad Hinek, now of No. 210 William street, New York, and he being duly sworn, maketh oath and saith, that he well knows Max Strobel, who was a witness on the trial of Charles Hertz, in Philadelphia, and he knows the character of the said Max Strobel

for truth and veracity; and deponent says that such character is bad; he has heard more than six or seven persons say so; and he would not believe the said Max Strobel under oath.

Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done at the city of New York, in the said State of New York, the 20th day of October, in the year of our Lord 1855.

CONRAD HINCK.

CHARLES EDWARDS,

35 Pine street, New York.

STATE OF NEW YORK, ss:

By this public instrument be it known to all whom the same doth or may concern, that I, Charles Edwards, a public notary in and for the State of New York, by letters patent under the great seal of the said State, duly commissioned and sworn, and in and by the said letters patent invested "with full power and authority to attest deeds, wills, codicils, agreements, and other instruments in writing, and to administer any oath or oaths to any person or persons," do hereby certify, that on the day of the date hereof, before me personally came and appeared Louis Kazinski, formerly lieutenant in the royal guards of the King of Sardinia, but now residing in Hoboken, State of New Jersey, in the United States of America; and he being by me duly sworn, did depose and say, that he knows a man of the name of Max Strobel, having met him for the first time at the house of a Pole in Twelfth street, in the city of New York; that in June last (1855) this deponent was on trial at Boston, in the State of Massachusetts, for an alleged infringement of the neutrality laws, but was acquitted; that while he was on trial this man, Strobel, called on deponent, and informed him that he, Strobel, was engaged in a secret mission in the States, and afterwards went to this deponent's counsel and informed them that he had power to expend considerable sums in his defence, which deponent has since found to be wholly untrue. Shortly after this deponent's acquittal, and while he was residing at the St. Nicholas hotel, in the city of New York, a card was left for him, whereon was written, in the German language, that the writer had called several times, and if the deponent had denied himself, "the Devil should take him." This was signed Captain Max. A few hours afterwards, Captain Max, alias Strobel, again called, and had an interview with deponent, told him of his intention to be state's evidence against the Hon. Mr. Crampton, urged deponent to become a witness against Mr. Charles H. Stanly, (who is in the office of the British consul at New York,) and, if possible, even against Anthony Barelay, esq., her Britannic Majesty's consul. Soon after this, the said Strobel volunteered to introduce one Mr. Sanders to deponent; this Sanders claims to be a civil engineer, and is pretty well known in the community by his remarkable proposition to build a railroad to Puget's sound. The said Sanders had several interviews, as he informed deponent, and as deponent verily believes, with the Russian

minister, Mr. Stoeckel, at the Metropolitan hotel. Also the said Strobel, as well as the said Sanders, informed deponent that the former had also an interview with the said Mr. Stoeckel, when Mr. Stoeckel gave the said Strobel twenty-five dollars. Also this deponent saith that subsequently, on various occasions, the said Sanders offered money to this deponent, and constantly asserted that he had frequent interviews with the Russian minister, also with Mr. McKeon, the district attorney, and his assistant, Mr. Joachimsen. On an after day, this deponent had an interview with the said Joachimsen in Sanders' room at the Florence hotel, (both Sanders and Strobel boarding there,) and they proposed to pay the deponent's hotel bill, (at the St. Nicholas,) provided he would become a witness against Mr. Stanly or Mr. Barelay; and soon after the said Sanders wished this deponent to make an affidavit intended to implicate Mr. Stanly or Mr. Barelay, which deponent refused. One day the said Sanders urged deponent to go to Boston, and pressed money on him for expenses, but he declined to go. Strobel and Sanders remained away two weeks, and when they returned they offered money to this deponent if he would manage to get letters from Mr. Crampton, the British minister, directed to Mr. Charles H. Stanly.

And this deponent says that since all this he has ceased all acquaintance with said Strobel and Sanders, although they have called several times at this deponent's late residence, and the former, Strobel, left a message for him to the effect that this deponent could make any amount of money if this deponent would call on him. And this deponent, from private conversations, and from all he knows and believes, is morally convinced that the said Strobel, *alias* Max, is in the pay of the Russian government or Russian minister.

Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done at the city of New York, in the said State of New York, the 22d day of October, in the year of our Lord 1855.

In præmissorum fidem.

COUNT S. KAZINSKI.
CHARLES EDWARDS,
35 Pine street, New York.

Affidavits relating to Mr. Hertz.

CITY AND COUNTY OF NEW YORK :

William Sehumaeher, now residing in the city of New York, formerly ensign in the Schleswig-Holstein army, being duly sworn, saith, that on or about the fifteenth day of November instant, he was in company with some acquaintance at a certain bar-room, situated at No. 33 in the Bowery, in this city of New York, and that he there met one — Loeb, whom deponent believes to be now, or to have been lately, a resident at Philadelphia; and that — Loeb having learned that deponent's name was Sehumaeher, and that he was under bonds for a pretended infraction of the neutrality laws, he (Loeb) addressed de-

ponent, and conversed with him on subjects appertaining to late trials for similar alleged offences.

That said ——— Loeb informed deponent that he had been formerly connected in business with Henry Hertz, of Philadelphia, lately convicted there before Judge Kane, and that when all difficulties arising from his said conviction were over, he (Loeb) expected again to have business connections with him.

That said ——— Loeb also informed deponent that he had been informed by said Hertz, that he (Hertz) had made five hundred dollars out of his aforesaid trial at Philadelphia.

And further, said ——— Loeb informed deponent that said Hertz had written to him (Loeb) a letter, in which he stated that he (Hertz) was coming shortly to New York to attend as witness in certain trials of a nature similar to those above referred to.

W. SCHUMACHER.

Sworn to before me, this 24th day of November, 1855.

JOHN C. BURGH,

Commissioner of Deeds.

COMMONWEALTH OF PENNSYLVANIA,

City of Philadelphia :

Be it known that on the day of the date hereof, before me, Edward Hurst, notary public for said Commonwealth, duly commissioned and sworn, residing in said city, personally appeared Maximilian August Thoman, of the city of New York, who, being by me duly sworn according to law, did depose and say:

That he recently had a conversation with Sigismund Zeise, now the confidential clerk of P. R. Scherr, No. 142 Coates street, in Philadelphia aforesaid, liquor dealer, who stated to him, the deponent, that Henri Hertz, now residing at No. 424 south Twelfth street, Philadelphia, was, about two years and six months ago, a salesman in the employment of the said P. R. Scherr and his then co-partner Henry Gerner, and that he, the said Zeise, was at the same time employed in the said establishment.

That whilst the said Hertz was acting as a salesman in said employment, he, in co-operation with said Gerner, swindled Mr. Scherr, the other co-partner, out of sundry sums of money, by sending liquors, wines, and other articles, to different customers, without charging them in the books of the concern, or crediting the firm with the money received therefor, which they appropriated to their own use.

That said Zeise in said conversation further stated that P. R. Scherr instituted a suit, and recovered a verdict against his partner, the said Gerner, in one of the courts in the city of Philadelphia, and that the said Gerner, as well as the said Henry Hertz, were obliged to leave the said establishment, the latter being actually turned out of doors, as a man who had wronged his employer by a swindling operation.

That said Zeise in said conversation also stated that said Gerner and said Henry Hertz on one occasion endeavored to induce him, the said Zeise, to join them in the swindling process of sending articles of mer-

chandise to different persons without charging them in the books of the concern, or of giving the firm credit for the amount received therefor; that he declined their overture, and gave information of the fact to his employer, the said P. R. Scherr.

The deponent further states that William Mehler was present during the said conversation, and heard the whole of it.

M. A. THOMAN.

Sworn and subscribed before me this 2d day of November, 1855.

EDWARD HURST, *Notary Public*.

COMMONWEALTH OF PENNSYLVANIA,
City of Philadelphia:

Be it known, that on the day of the date hereof, before me, Edward Hurst, notary public for said Commonwealth, duly commissioned and sworn, residing in said city, personally appeared Maximilian August Thoman, of the city of New York, merchant, who being by me duly sworn according to law, did depose and say: That he has recently made inquiries throughout various parts of the city of Philadelphia as to the character and standing of Henry Hertz, now residing at No. 424 South Twelfth street, Philadelphia, and that he has uniformly been informed by everybody with whom he conversed on the subject, and who knew anything about said Hertz, that he, the said Henry Hertz, bore the character of a mean, low-minded man, without good reputation, and one who had been guilty of swindling; that he was a man no one who was acquainted with would trust beyond his sight, and who could not obtain credit even for a pennyworth.

The deponent further says, that the following are the names of a few respectable German citizens of Philadelphia from whom he received such information, viz: C. Beecken, doctor of medicine; Ch. Lüchon, innkeeper, Second street, near Race street; Sigismund Zeise, clerk to P. R. Scherr, No. 142 Coates street; William Mehler, innkeeper, corner of Crown and Vine streets; and Charles Fischer, doctor of medicine, corner of Crown and Callowhill streets, in Philadelphia aforesaid.

M. A. THOMAN.

Sworn and subscribed before me, this 2d day of November, 1855.

EDWARD HURST.

COMMONWEALTH OF PENNSYLVANIA,
City of Philadelphia:

Be it known, that on the day of the date hereof, before me, Edward Hurst, notary public for said Commonwealth, duly commissioned and sworn, residing in said city, personally appeared Maximilian August Thoman, of the city of New York, who being by me duly sworn according to law, did depose and say:

That Henry Hertz, whom he understands has no personal means nor any property whatever, now lives in very good style at No. 424 South Twelfth street, in the said city of Philadelphia, and has apparently plenty of money at his command to spend. That as such was not the case previously to his having turned state's evidence for the government of the United States, it appears to be the general opinion among the German population of Philadelphia that he has been paid by Russian officials in said city of Philadelphia, for having turned state's evidence as aforesaid.

M. A. THOMAN.

Sworn and subscribed before me this 2d day of November, 1855.

EDWARD HURST,
Notary Public.

COMMONWEALTH OF PENNSYLVANIA,
City of Philadelphia :

Be it known, that on the day of the date hereof, before me, Edward Hurst, notary public for said Commonwealth, duly commissioned and sworn, residing in said city, personally appeared William Mehler, of the city of Philadelphia aforesaid, innkeeper, who, being by me duly sworn, according to law, did depose and say :

That he was present at a conversation which recently took place between Maximillian August Thoman, of the city of New York, and Sigismund Zeise, now the confidential clerk of P. R. Scherr, No. 142 Coates street, in Philadelphia aforesaid, liquor dealer.

That said Zeise, in said conversation, stated that Henry Hertz, now residing at No. 424 South Twelfth street, Philadelphia, was about two years and six months ago a salesman in the employment of P. R. Scherr and his then copartner, Henry Gerner; and that he, the said Zeise, was at the same time employed in the said establishment.

That while said Hertz was acting as salesman in said employment he, Hertz, in co-operation with said Gerner, swindled Mr. Scherr, the other copartner, out of sundry sums of money, by sending liquors, wines, and other articles, to different customers, without charging them in the books of the concern, or crediting the firm with the money received therefor, which money they appropriated to their own use.

That said Zeise in said conversation further stated that the said P. R. Scherr instituted a suit and obtained a verdict against his partner, the said Gerner, in one of the courts of the city of Philadelphia, and that said Gerner, as well as the said Henry Hertz, were obliged to leave the said establishment, the latter being actually turned out of doors as a man who had wronged his employer by a swindling operation.

That said Zeise in said conversation also stated that the said Gerner and Henry Hertz on one occasion endeavored to induce him, the said Zeise, to join them in the swindling process of sending articles of merchandise to different persons without charging them on the books

of the concern, or giving the firm credit for the amount received therefor.

That he declined acceding to their overture, and gave information of the facts to his employer, the said P. R. Scherr.

WILL. MEHLER.

Sworn and subscribed before me this 2d day of November, 1855.

EDWARD HURST,
Notary Public.

COMMONWEALTH OF PENNSYLVANIA,
City of Philadelphia:

Be it known that, on the day of the date hereof, before me, Edward Hurst, notary public for said Commonwealth, duly commissioned and sworn, residing in said city, personally appeared William Mehler, of the city of Philadelphia aforesaid, innkeeper, who, being by me duly sworn according to law, did depose and say that he has an extensive acquaintance amongst the foreign population now resident in the city of Philadelphia, and that he is conversant with the fact that a very general opinion prevails amongst the Danish and German portion of said foreign population that Henry Hertz, who now resides at No. 424 South Twelfth street, Philadelphia, was formerly a spy in the pay of the Danish army during the late war from 1848 to 1851, carried on to repress the revolution of Schleswig-Holstein, and that he heard Mr. Jacob Staples, of Philadelphia, represent this circumstance to be quite a certain fact.

WILL. MEHLER.

Sworn to and subscribed before me, this 2d day of November, 1855.

EDWARD HURST,
Notary Public.

COMMONWEALTH OF PENNSYLVANIA, }
City of Philadelphia, } ss.

Be it known that on the day of the date hereof, before me, Edward Hurst, notary public for the said Commonwealth, duly commissioned and sworn, residing in said city, personally appeared William A. Dobbyn, clerk to the Pennsylvanian Hospital in the said city, who being by me duly sworn according to law, did depose and say, that a person calling himself Hertz called on him at said hospital, about the latter end of April, or the beginning of May last, and informed him, the deponent, that he, the said Hertz, was under bail for having recruited for the British service. That he had been employed by a British officer, who had suddenly absconded, and had left him in the lurch. He begged and implored the deponent to go to the British consul to procure pecuniary aid from him, to repay him (Hertz) for the sums he had laid out. The deponent first of all hesitated until

Hertz's supplications for himself and family induced him, the deponent, to promise that he would see the consul. Hertz sent him a letter, which was not signed, stating that he had laid out \$500 in attempting to get recruits, and that he would be imprisoned for debt if he did not procure that sum. Deponent did go to the consul, who immediately told him he would have nothing to do with Hertz, or be in any way concerned with him, and begged him, the deponent, to inform Hertz of it, which he accordingly did by letter. Hertz called on deponent a second time, and had some conversation with him. Deponent thinks in this last interview it was that Hertz told him that the Attorney General had tried his utmost to make him, Hertz, implicate the consul, telling him that it would be to his advantage to do so. This last fact deponent is positive of, for when he expressed his surprise, Hertz threw himself into a theatrical attitude, touching his breast and saying, "But he (the consul) may be assured of my honor."

W. A. DOBBYN.

Sworn and subscribed by me, this 3d day of November, 1855.

EDWARD HURST,

Notary Public.

Affidavit respecting Mr. Hertz.

STATE OF PENNSYLVANIA, }
City of Philadelphia. } ss:

Personally appeared before me, the subscriber, an alderman and justice of the peace of the city of Philadelphia, Franklin Butler, who, being duly sworn, deposes and says: That he resides in the city of Philadelphia, and is an importer of watches and jewelry. Deponent says he knows one Henry Hertz; that he has known him about two years; that he knows his character by public report; that it is bad as relates to financial matters. That in January last said Hertz, who had before importuned deponent to let him have watches on credit, which deponent refused, obtained from deponent two gold watches, upon the representation that he had a purchaser for them, and that he would return the watches or the money on the following Saturday. After procuring the watches, deponent heard nothing from Hertz, and sent repeatedly to him, but could not get the watches or the money. Finally, by threats of prosecution, he obtained from him one of the watches by giving him a receipt in full, and allowing him to keep the other watch.

Deponent says the watch that was obtained was procured through his counsel, upon condition that there should be no prosecution. Deponent says that, from his own knowledge of the said Henry Hertz,

as well as from the character of him derived from others, he emphatically says that he would not believe him on his oath.

FRANK BUTLER.

Sworn and subscribed before me, this 6th day of March, 1856.

JNO. B. KENNEY,
Alderman.

Affidavit respecting Mr. Burgthal.

Joseph P. Higgs, being duly affirmed, deposeth and saith, that he is, and has been for three years last past, sole book-keeper at Jones's hotel, in this city; that his attention has been called to the statement of a certain Charles Burgthal, a witness in the case of the United States vs. Henry Hertz; that the said statement of the said Burgthal, to wit—"afterwards Mr. Howe visited me with two or three gentlemen, and invited me to Jones's hotel; I went to him, and dined with him and those other gentlemen. I informed him at dinner of my opinion in relation to the recruiting business, that it had been forbidden in the United States,"—is, as regards his dinner at Jones's hotel, deponent asserts, untrue. That deponent's recollection is corroborated by reference to the books of the hotel, in which all items and charges are invariably specified. That Mr. Howe arrived first at the hotel on the 12th of March, 1855, and left on the 14th; that he returned on the 25th, and finally left on the 26th March, since which deponent has not seen him. That during both visits Mr. Howe took his meals at the public table, and that, consequently, no charge for private meals is entered against him, and that no charge is entered in the books against him of any guest at the public table, which would have been the case had he invited any person there. Deponent further saith, that there is no entry in the books of the hotel about that period of the name of Burgthal, or any similar name, and that there is no person of the name of "Hicks" in the establishment at Jones's hotel, and that he believes himself to be designated under that name in the following statement in a document called the confession of Henry Hertz, to wit: "On the morning of the 14th of March, I went to Jones's hotel; Mr. Howe had left, but Mr. Hicks, the book-keeper of Jones's hotel, handed me an envelope without an enclosure; on the fly or fold of the envelope were written these words: 'Go to Mr. Mathews; it is all right.' " Deponent saith that he never received or gave to Mr. Hertz any such paper on the day after Mr. Howe's departure. Some time afterwards he received a sealed package, purporting to contain money, with a note in the handwriting, as the deponent believes, of Mr. Howe, requesting the same might be delivered to Mr. Hertz on his calling, which deponent accordingly did. In witness whereof he hath subscribed his signature hereunto, this 29th day of February, A. D. 1856.

JOSEPH P. HIGGS.

Witnesses present at the signing hereof:

H. OSLER, JR.,
WILLIAMS OGLE.

Affirmed and subscribed before me, an alderman of the city of Philadelphia, this 29th day of February, 1856.

WILLIAMS OGLE, *Alderman*.

(This affidavit is subsequently repeated, word for word, presumed by mistake. G. M. D.)

Affidavits respecting proceedings of the United States district attorney and marshal.

STATE OF NEW YORK :

By this public instrument, be it known to all whom the same doth or may concern, that I, Charles Edwards, a public notary in and for the State of New York, by letters-patent under the great seal of the said State, duly commissioned and sworn, and in and by the said letters-patent invested "with full powers and authority to attest deeds, wills, codicils, agreements, and other instruments in writing, and to administer any oath or oaths to any person or persons," do hereby certify, that on the day of the date hereof, before me personally came and appeared *Frederick Deniche*, now of No. 10 City Hall Place, and late of No. 5 Chambers street, in the city of New York, and he being by me duly sworn, did depose and say that he is a German by birth, and has the confidence of many of his countrymen, and that they are in the habit of frequenting his drug store; that he knows Charles W. Stanley, esq., who acts as secretary to the British consul in the said city of New York; that in the month of July last (1855) the said Mr. Stanley happened to come into this deponent's drug store at a time when some Germans were there, and when one of them showed Mr. Stanley a paper, which was a sort of invitation to men to go to the Crimea, and asked his opinion of it, the said Mr. Stanley, in the highest terms, objected thereto, and gave all persons present distinctly to understand that he would not lend himself to infringe the laws of the United States, and that the British minister had given imperative orders to the same effect, and not to allow any infringement of the United States neutrality laws.

Also, this deponent says that during the month of August last, (1855) a man came to deponent's store, stating he lived at No. 94, Gold street, and urged deponent to see him in his (deponent's) private office, and when he was in there, said that he had got men who were willing to go and fight in the Crimea; but this deponent suggested that he had no authority to enlist men; and after the man left deponent traced him, and he was seen to go into the office of the United States district attorney; that soon afterwards the same man sent two fellows to deponent's store, who suggested to deponent they came to be enlisted for the Crimea, when deponent forcibly ejected them from his drug-store, and told them to go to the United States district attorney, and tell him how they had been treated. And one of them, in moving away, drew a dirk-knife and threateningly pointed to his breast, as if to show how he would treat deponent if he could lay hold of him.

Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done in the city of New York, in the said State of New York, the 13th day of November, in the year of our Lord 1855.

In præmissorum fidem.

FR. DENICHE, Dr. M.
CHARLES EDWARDS,
35 Pine street, New York.

STATE OF NEW YORK, ss :

By this public instrument, be it known to all whom the same doth or may concern, that I, Charles Edwards, a public notary in and for the State of New York, by letters-patent under the great seal, duly commissioned and sworn, and in and by the said letters-patent invested "with full power and authority to attest deeds, wills, codicils, agreements, and other instruments in writing, and to administer any oath or oaths to any persons or persons," do hereby certify, that on the day of the date hercof, before me, personally came and appeared Oscar Cromsey, of 210 William street, New York, and he being by me duly sworn, did depose and say: That he has been under indictment for alleged infringement of neutrality laws; also, that since then, and on Saturday last, he saw Mr. George Nevins, deputy United States marshal, when the said Nevins tried to frighten this deponent by hinting that he would be sent to Sing-Sing prison, and directly afterwards said, "What money can you give me? What will you pay so that I can discharge the same warrant?"—meaning discharged from the indictment. He said, "I will give you a discharge; make you free, so that you may go wherever you please." Deponent gave answer, that he could not say at once, but he would make up his mind in four or five days. Nevins then fixed a time for the answer, and begged deponent to keep the matter secret.

Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done at the city of New York, in the said State of New York, the 27th day of October, in the year of our Lord 1855.

In præmissorum fidem.

OSCAR CROMSEY.
CHARLES EDWARDS,
35 Pine street, New York.

Affidavit of Mr. Howe.

I, Joseph Howe, of Halifax, in the province of Nova Scotia, do solemnly swear that a certain receipt, published in a confession purporting to have been made by one Henry Hertz, of Philadelphia, and including the name of George B. Mathew, esq., is a forgery, the original receipt not including that gentleman's name, but being thus expressed :

“Received of honorable Mr. Howe three hundred dollars on account of expenses.

“H. HERTZ.”

“PHILADELPHIA, *March* 14, 1855.”

Sworn to before me, at Halifax, this 20th day of November, 1855.
JNO. ESSON, *J. P.*

Affidavit of Mr. Denby Sharwood.

Denby Sharwood, being duly sworn according to law, deposeth and saith, that he is one of the proprietors of Jones's hotel, in Chestnut street, of the city of Philadelphia; that in the spring of 1855 he was called upon by one Henry Hertz, a defendant in the suit of the “United States vs. Henry Hertz, *et al.*,” instituted in the district court of the United States for the eastern district of Pennsylvania, shortly after it was publicly known that said Hertz had been arrested for an alleged violation of the neutrality laws of the United States; that the purport of the conversation between deponent and Hertz on that occasion was as follows:

Hertz remarked that he supposed that deponent knew about his arrest, and why he had been so. Hertz stated that he had applied to Mr. Mathew (who had rooms at Jones's hotel) for advice and assistance, but that Mr. Mathew peremptorily refused to see him, or to have anything to do with him or his business, and he now wished deponent to speak to Mr. Mathew on the subject; to which deponent replied, that it was a business with which he had nothing to do, and with which he could not be mixed up. Hertz then replied that he must have some money, as he was in immediate want of it; that for some reason Mr. Mathew had always tried to avoid seeing him; that he (Mr. Mathew) seemed to have no confidence in him, and he (Hertz) wished deponent to assure Mr. Mathew that he was acting right in this matter. Deponent finally promised to tell Mr. Mathew Hertz called, and the nature of his communication. Deponent accordingly spoke to Mr. Mathew on the subject of Mr. Mathew's return to the hotel on the evening of the day Hertz called. Mr. Mathew listened to deponent impatiently, and remarked more than once he believed Hertz was a scoundrel, trying to entangle him (Mr. Mathew) in his business, and that he would have nothing to do with him, nor would he see him; he also advised the deponent to have nothing to do with Hertz; that he (Mr. Mathew) defied any threat of Hertz, having carefully and at all times refused to be mixed up with his affairs. Neither at the above interview with Hertz, nor at any subsequent one, did Hertz so express himself as to imply he had any claim on Mr. Mathew, but he seemed rather to suppose Mr. Mathew, as a friend of Mr. Howe, (with whom he represented he had had transactions,) ought to advance him money; but he never, in his conversation with deponent, implied that he had any claim on Mr. Mathew, either individually or officially. The next time Hertz called deponent told him, in a few words, Mr. Mathew's

reply to his application. That Hertz then tried to borrow two hundred dollars (\$200) of deponent, to enable him to go to Halifax. This deponent refused, because Hertz was a stranger to him, and because, from statements made about him, deponent did not believe him worthy of credit. That Hertz called several times on deponent after this, much to his annoyance, at each interview complaining how badly he had been treated by the authorities at Halifax; how they refused to acknowledge his actions, and to pay him money which he had paid out of his own pocket. Deponent told him that if he had grievances against the government, he ought to look to them for redress, and not attempt to involve Mr. Mathew in his difficulties or affairs.

Mr. Mathew has resided at Jones's hotel for many months, and that on various occasions deponent conversed with Mr. Mathew on the question of the alleged enlistments; that Mr. Mathew has invariably denied being in any way concerned in the matter, and has invariably expressed himself as having been annoyed at the frequent attempts of Hertz and others seeking interviews with him, and which he has always endeavored to avoid.

Deponent furthermore saith, that he became very much annoyed at the calls of Hertz, because several friends who had seen him in conversation with him, and who were ignorant of the nature of these conversations, expressed surprise that he should have anything to do with such a fellow, and that he should even know him.

Deponent furthermore saith, that Mr. Mathew has frequently in conversation with him, deponent, said he had constantly and persistently refused to have any knowledge of, or interfere with, Hertz's business, and that he, Mr. Mathew, defied any threats of Hertz; having carefully and at all times refused to be mixed up with his affairs.

That he, Mr. Mathew, had once made Hertz a private loan, to enable him to go to Halifax, in order to get rid of him, and that this was on the occasion that Hertz had forced himself into his bed-room.

In witness whereof he hath subscribed his signature, this 29th day of February, anno Domini 1856.

DENBY SHARWOOD.

Sworn and subscribed before me, an alderman in and for the city and county of Philadelphia, this 29th day of February.

WILLIAM OGLE, *Alderman*.

Affidavit of Mr. Thomas Lindsay Bucknall.

Thomas Lindsay Bucknall, of Ormond-Terrace, in the county of Dublin, Esquire, maketh oath and sayeth, that he has read in an American newspaper called the "Pennsylvanian," published on Saturday, the 13th October, 1855, a copy of a document purporting to be a confession of a person therein named Henry Hertz, respecting the enlistment of volunteers for the foreign legion, which was then forming at Halifax, Nova Scotia, in which this deponent is referred to

by name; saith that most of the statements therein contained, referring to this deponent, and his connection with the British consuls in respect to said enlistment, are totally erroneous; and that after deponent's acquaintance with the Honorable Joseph Howe, (which commenced on or about the 15th day of March, 1855,) he the said Honorable Joseph Howe appeared to entertain a strong opinion against the said Henry Hertz, and that said Henry Hertz was a man in whom the said Honorable Joseph Howe would not be at all likely to place any confidence. Deponent saith that the Mr. Mathew mentioned in said confession never gave this deponent any money whatsoever to employ lawyers or otherwise, and saith that the said Mathew told this deponent that Hertz had tried to force himself on him, (Mathew,) but that he, Mathew, had refused to have anything whatever to say in said Hertz's business. Deponent saith he heard and believes that said Hertz had tried to extort money (by letters) from said Mathew, which letters deponent believes were put into the hands of Mr. Mathew's legal adviser. This deponent saith that he, this deponent, most positively denies ever having written or telegraphed to said Hertz in relation to said enlistment or any other business whatsoever, and that the statement to that effect in said paper is totally false. Deponent further saith, that as to his knowledge of Mr. Crampton, the British ambassador, (named in said confession,) when this deponent saw him in Washington, and acquainted him of having left printed circulars at said Hertz's office, the said Mr. Crampton was greatly annoyed, fearing that it might be considered an infringement on the neutrality laws of the United States, and cause an ill-feeling between the two governments, and requested deponent would call on Mr. Hertz and get back the said circulars. Deponent saith, that as to Hertz's statement about his interview with deponent in New York, deponent wishes that no misunderstanding should exist as to Mr. Barclay; for, though deponent called on him (Mr. Barclay) to consult him, in the absence of the Hon. Mr. Howe, he declined conversing on the subject. And deponent positively saith, that said Mr. Barclay, in any conversation with deponent, always disapproved of the proceedings, or even talking about the matter. Deponent further saith, that after said Hertz's trial was over, said Hertz told this deponent that unless the English government, or their consul, would pay his (Hertz's) expenses, he would be revenged, and expose said government in every way in his power.

THOMAS LINDSAY BUCKNALL.

Sworn and signed before me, this fifth day of November, 1855.

JAMES ABBOTT,

United States Consul for Dublin.

Affidavit of Mr. Ernst Arland.

Ernst Arland, being duly sworn according to law, deposeth and saith: That he is employed as porter at Jones's hotel, in the city of

Philadelphia, and State of Pennsylvania, and that his attention has been directed to certain statements made in the confession of Henry Hertz, a defendant in a prosecution in the district court of the United States in and for the eastern district of Pennsylvania, wherein is set forth, among other things, as follows, to wit :

“ Afterwards I went out to take a walk with my wife, and walked down Chestnut street and met the porter of Jones’s hotel, John Allen, I think his name is ; he asked me if I had received the letter he had left at my house that day, as the British consul had given strict orders that the letter should be delivered as soon as possible.” Deponent saith that there is not any porter of the name of John Allen at Jones’s hotel ; but the porter referred to is deponent ; he remembers having met Henry Hertz, as by him stated ; but deponent did not state to Henry Hertz that he got from Mr. Mathew the letter aforesaid, for he, the deponent, had he done so, would have been guilty of misstatement, inasmuch as the letter left by him at the house of said Hertz was received by deponent from another person with whom he is well acquainted at Jones’s hotel ; and had no conversation with Mr. Mathew, the British consul, in relation to said letter, either before its delivery or afterwards, until the confession of Hertz had been made public, when Mr. Mathew called deponent’s attention thereto as being untrue. When Hertz met the deponent, he said that he had received what I had left at his house, and asked of deponent, “ is he come back ? ” I replied “ no ; ” my answer had reference to Mr. Howe, whom deponent understood Hertz to refer to. Deponent never delivered any letter to Hertz or at his house, that purported to be written by Mr. Mathew, or that was stated to have been written by him. Deponent furthermore saith, that he never delivered any other letters, either to said Hertz or at his house, except from Mr. Howe, when Mr. Howe was residing at Jones’s hotel, and which deponent received from Mr. Howe himself. On another occasion Henry Hertz met deponent, and said to him, (deponent,) “ Oh, you remember about that letter ; well, remember that letter was from Mr. Mathew—recollect that.” To which deponent replied : “ I did not receive it from him, but from another person.” To which Hertz said : “ Never mind, I tell you it was from Mr. Mathew.” On another occasion deponent met Hertz near the Girard House, in the city of Philadelphia, and asked Hertz : “ Well, how are you coming on with your case ? ” Hertz said : “ Oh, that is nothing ; it is all over now.”

In witness whereof he hath hereunto set his signature, this 29th day of February, 1856.

ERNST ARLAND.

Witnesses present at signing :

WILLIAMS OGLE.

J. MAGUAGE.

Sworn and subscribed before me, an alderman in and for the city of Philadelphia, this 29th day of February, 1856.

WILLIAMS OGLE,

Alderman.

Affidavit of Mr. Andrew C. Craig.

STATE OF PENNSYLVANIA, }
City of Philadelphia. } ss:

Personally appeared before me, the subscriber, an alderman and justice of the peace, in and for the city of Philadelphia, aforesaid, Andrew C. Craig, who, being sworn, says: That he has resided in the city of Philadelphia about thirty years, and that he is in business in Front street, in said city. Deponent says that he knows Henry Hertz, who was tried and convicted in the United States court, for being engaged in recruiting for the British government here; deponent says that he was on the grand jury of the said court, before whom the case was inquired into; deponent says that he knew the said Henry Hertz three or four months before the said trial; that he was employed by deponent to make sales for him as a street broker, and was in his employment about two months. Deponent says, from his knowledge of the said Henry Hertz, he has no hesitation in saying that he does not think him worthy of credit; that he would not take his word for anything he would say in regard to money matters. The reason that he left the employment of the deponent, was, because deponent could not trust him. Deponent says that the said Hertz is, he believes, a Russian, speaks several languages, is a very smart man, and is one of the best salesmen he ever saw if he could only be trusted, or confidence placed in what he said.

AND. C. CRAIG.

Sworn and subscribed before me, this 5th day of March, 1856.

JNO. B. KENNEY,
Alderman.

Affidavit of Mr. Philip R. Scherr.

STATE OF PENNSYLVANIA, }
City of Philadelphia, } ss:

Before me, the subscriber, an alderman and justice of the peace in and for the city of Philadelphia, personally came Philip R. Scherr, who, being by me duly sworn, deposes and says, that he resides in the city of Philadelphia, and is a rectifier or distiller of liquors; that he knows one Henry Hertz, and has known him over three years; that he was employed by deponent as salesman, and was in that employment for two months; his business was that of selling goods and collecting money to the amount \$1,500 and upwards, which he did not account for or pay over; that he has not paid it over to this day. Deponent says, from his knowledge of the said Henry Hertz, he believes him to be entirely unworthy of trust and confidence, and deponent would not believe him on his oath.

P. R. SCHERR.

Sworn and subscribed before me, this 7th day of March, 1856.

J. B. KENNEY,
Alderman and Justice of the Peace.

Mr. Marcy to Mr. Dallas.

DEPARTMENT OF STATE,

Washington, May 27, 1856.

SIR: The President has carefully considered the note of the 30th ultimo, addressed to you by the Earl of Clarendon, her Majesty's Principal Secretary of State for Foreign Affairs, relative to the questions which have arisen between this government and that of Great Britain on the subject of recruiting within the United States for the British army, and has directed me to present to you his views thereon, for the purpose of having them made known to her Majesty's government.

He has been much gratified by the conciliatory spirit of that note, and by the desire manifested by the Earl of Clarendon to adjust the existing difficulties, and to preserve and strengthen the friendly relations between the United States and Great Britain. The vast interest which the government and people of both countries have in upholding and cherishing such relations cannot be more solemnly impressed upon her Majesty's government than it is upon that of the United States.

The unequivocal disclaimer by her Majesty's government of "any intention either to infringe the law, or to disregard the policy, or not to respect the sovereign rights of the United States," and their expression of regret "if, contrary to their intentions and to their reiterated directions, there has been any infringement of the laws of the United States," are satisfactory to the President. The ground of complaint, so far as respects her Majesty's government, is thus removed.

But the President extremely regrets that he cannot concur in Lord Clarendon's favorable opinion of the conduct of some of her Majesty's officers who were, as this government believed, and, after due consideration of all which has been offered in their defence, still believes, implicated in proceedings which were so clearly an infringement of the laws and sovereign rights of this country. In respect to such of these officers and agents as have no connexion with this government, it has nothing to ask from that of her Majesty; but the case is different in relation to Mr. Crampton, her Majesty's envoy extraordinary and minister plenipotentiary to this government, and the consuls at New York, Philadelphia, and Cincinnati. The President is gratified to perceive that her Majesty's government would not have hesitated to comply with the request to withdraw these officers from their official positions if it had entertained the views here taken of their conduct in regard to recruiting contrary to the law and sovereign rights of the United States.

I scarcely need say that, in making this request, no interruption of the diplomatic relations between this government and Great Britain was anticipated; but, on the contrary, the President was, and is, sincerely desirous to keep them upon a most friendly footing. Mr. Crampton's withdrawal was asked for expressly upon the ground

that "his connexion with that affair [raising recruits in this country for the British service] has rendered him an unacceptable representative of her Britannic Majesty near this government." For the same reason the withdrawal of the three British consuls was also requested. These officers were, as this government confidently believes, deeply implicated in proceedings contrary to the law and sovereign rights of the United States, and contrary, as it now appears, to the intentions and reiterated instructions of their own government. It was their personal acts, certainly not the less objectionable for having been done contrary to the direction of her Majesty's ministers, which rendered them, in their official characters and positions, unacceptable to this government, and induced the President, for that cause, to solicit their recall, believing that by this course he was contributing to the common interest and harmony of the two governments. He has not, after the most mature deliberation, been able to change his view of their conduct, and cannot, therefore, change his purpose in relation to them. Though their conduct related to, and in fact originated, a difficulty which disturbed the cordial harmony and good understanding between the two countries, it constituted a decided objection to them, of a personal character, which loses none of its force by the satisfactory adjustment of that difficulty.

The only embarrassment which attends the case is the difference of opinion between the two governments as to the complicity of these officers in illegal proceedings within the United States. In reviewing this subject the President was disposed to avail himself of any reasonable doubts which could be raised in his mind, in order to bring his opinion in this respect into conformity with that of her Majesty's government; but after a careful reconsideration of the case he has been unable to change the conclusion to which he had previously arrived.

This difference of opinion may be, in some degree, ascribed to the difference in the views of the two governments in respect to the neutrality law and the sovereign rights of this country.

It is not proposed, however, to continue the discussion upon that subject. The conclusions of the President, stated in my despatch of the 28th of December to your predecessor, in regard to the construction of that law and the character and extent of those rights, remain unchanged, and he cannot forego the duty of using all proper means to sustain and vindicate them.

The main cause of this difference of opinion is the different appreciation of the proofs by which the charges against her Majesty's diplomatic representative and consuls are sustained.

Lord Clarendon asks this government to regard the bare declarations of these officers as of sufficient weight to countervail the evidence against them. Their denials, as presented in his despatch of the 30th of April—and that is all which has been communicated to this government on the subject—seem to be special, and do not traverse all the allegations against them. They deny that they have infringed our neutrality law by enlisting persons within the United States for the British service, or hiring or retaining persons to leave the United States for the purpose of being enlisted in that service.

The charges against them are much broader, and embrace the offence of violating the laws and sovereign rights of the United States by setting in operation, within our territory, and conducting an extensive system of recruiting, which was not and could not be carried into effect without infringing our laws and rights, by employing numerous agents to engage persons, for pecuniary or other considerations, to leave the United States for the express purpose of entering into the British army, and by keeping these agents in this employment after it was well known that they were constantly infringing our laws.

The denial of the implicated officers only covers a part of the delinquencies imputed to them; but confining their exculpatory declaration to the simple charge of having violated the provisions of our neutrality act, it does not merit the consideration which Lord Clarendon has ascribed to it. By adopting Lord Clarendon's construction of our neutrality law contained in his note of the 16th of November, which renders it almost nugatory and is contrary to that of this government, and of its judicial tribunals, these officers have not probably found much embarrassment in meeting the charges with a general denial.

But, giving to the declaration of Mr. Crampton and the consuls all the consideration which can be fairly claimed for it under the circumstances of the case, it cannot counterbalance the unimpeached and well-sustained evidence which establishes the charges against these officers of having infringed the laws and sovereign rights of the United States.

Lord Clarendon's note to you of the 30th of April conveys the impression that the evidence by which these officers are implicated is derived from one or two witnesses whose credibility has been assailed. This, however, is not a correct view of the facts.

By the examination of my despatch of the 28th of December it will be perceived that these witnesses were strongly corroborated, and that there are proofs, wholly independent of their testimony, abundantly sufficient to establish the complicity of Mr. Crampton and the consuls in the infringement of the laws and sovereign rights of the United States. I trust it will not be questioned that it belongs exclusively to this government and its judicial tribunals to give a construction to its municipal laws, and to determine what acts done within its jurisdiction are infringements of those laws. This is a matter which concerns its internal administration, and it cannot allow the agents of any foreign power to controvert that construction and justify their conduct by a different interpretation of our laws, which virtually renders them ineffective for the purposes intended.

The Earl of Clarendon informs you in his note of the 30th of April, that Mr. Crampton positively denies the charge of complicity in any of the acts of illegal enlistment in the United States, and that the three consuls inculpated do the same. He assumes that the charge against them is sustained mainly by the evidence of two persons, Strobel and Hertz, whom he conceives to be unworthy of credit; and he appeals to the American government to accept, as conclusive, the declarations of the minister and consuls. I am instructed to say that

these considerations do not relieve the President's mind of the unfavorable impressions produced by the conduct of those gentlemen in relation to foreign recruitment in the United States.

It will be seen by referring to my despatch of the 28th of December, in which the grounds of charge against Mr. Crampton were fully stated, that the testimony of Strobel and Hertz was quite a secondary and an unimportant part of the evidence adduced; the charge being supported independently of their testimony by other witnesses, by original letters of Mr. Crampton and others, and by undenied and undeniable acts of Mr. Crampton.

As to Strobel and Hertz, however, it may be observed, that the documents transmitted by Lord Clarendon, as proving those persons unworthy of credit, are entitled to but little weight, consisting, as they do, chiefly of *ex parte* affidavits, detailing matters mostly of mere hearsay. And whatever may have been the character of those persons, it by no means follows that they did not testify to the truth. They were agents selected and trusted by Mr. Crampton himself; and to them he committed most important concerns. Such an endorsement should countervail the impeachment of their veracity founded on loose hearsay reports. Nor does it seem to be a thing of much moment, in relation to the present question, that Strobel, in consequence of imputed misconduct, was dismissed from employment by the lieutenant governor of Nova Scotia, and afterwards endeavored to obtain money from Mr. Crampton. The fact remains, that he held a commission in the British foreign legion, and that, as it is clearly proved and not denied, he maintained, as a recruiting officer, and for a considerable period of time, association, personally or by correspondence, with Mr. Crampton. The employment of Strobel by Mr. Crampton—their long association in the joint work of recruiting in the United States for the foreign legion—the distinction of her Majesty's commission of captain in that corps conferred on Strobel, would seem at least to deprive Mr. Crampton of the right to array his credibility as a witness.

But there is a larger and more comprehensive class of considerations applicable to this particular question.

For a period of nearly five months—that is, from about the middle of March, 1855, to the 5th of August, 1855—the peace and order of this country were disturbed, especially in the cities of Boston, New York, Philadelphia, and Cincinnati, by the unlawful acts of numerous persons engaged in raising recruits, or in being recruited, for the British foreign legion. They were supplied with ample funds by British agents. They obstinately resisted and set at naught all the efforts of the local authorities of the United States to put a stop to their proceedings; nor did they desist until they received orders to that effect from the British government in the month of August. The recruits thus unlawfully raised in the United States during all that time were conveyed by British agents to Halifax, and there enrolled in the foreign legion.

All these acts, as well as their illegality, were notorious. Long before the trial of Hertz in September, and of Wagner in October, they must have been brought to the particular notice of Mr. Cramp-

ton, the British consuls, and other agents, by preliminary judicial inquiries which took place both at New York and Philadelphia.

In consequence of the steps to that effect taken by me on the 22d of March, the proper instructions were issued on the 23d, and prosecutions commenced in Philadelphia on the 30th of March, and in New York on the 5th of April.

As example of the character of these proceedings, their notoriety, and their conclusive legal effect, what occurred in May deserves particular notice.

At New York, on the 15th of May, a number of persons, namely, Godfried Wachter, Wilhelm Schumacher, Julius Parkus, Oscar Cromey, and Andrew Lutz, were examined before commissioner Betts, on the charge of recruitment for the service of Great Britain. Eminent counsel were employed by the parties accused, who argued that no offence had been committed, because it did not appear that any valid contract of enlistment had been consummated. But this ground of defence was overruled by the commissioner, who, though he discharged Wachter for defective evidence, committed Lutz, Schumacher, Cromey, and Parkus.

At Philadelphia, on the 25th of May, three persons—Hertz, Perkins, and Bucknall—having been arrested on the charge of illegal recruiting in the service of Great Britain, applied to the circuit court of the United States, by *habeas corpus*, to be discharged from custody. The presiding judge, the Hon. John K. Kane, on examination of the evidence taken in the case before a commissioner, found that the proofs were sufficient to bring the acts of Hertz and Perkins within the conditions of the law, but not so as to Bucknall. Accordingly the latter was discharged, but the two former were committed for trial.

Thus, so early as May, it was judicially shown that what was doing in this respect was unlawful. Mr. Crampton was acquainted with these proceedings, and was thus sufficiently admonished that the acts of recruitment carried on under his authority did, in fact, whatever may have been his intention, constitute a violation of the municipal law of the United States. This had been decided by the courts of the United States, and was publicly and extensively made known. It is not controverted, indeed it is admitted, that he had the recruiting business in his charge, and under his control, yet he permitted it to be continued, although judicially determined to be unlawful, through the months of May, June, July, into August.

Now this long series of acts, unlawful and otherwise prejudicial to the good name and the tranquillity of this country, were performed by persons who were liberally paid by British officers, and many of whom actually entered the military service of Great Britain. That was incontestably proved on the trial of Hertz and Wagner by evidence which has not been and cannot be impeached; and although the evidence adduced on those trials does not need corroboration, still it may not be amiss to add that much other evidence to the same effect is in the possession of this government, some of which is annexed to this despatch in the form of documents, responsive to those accompanying the letter of the Earl of Clarendon.

Who is to be held accountable for these unlawful acts? Were they all performed by volunteer and irresponsible persons, as argued in the Earl of Clarendon's despatch of the 16th of July? That cannot be admitted, for the conclusive reason that they received pay from British officers, and of course were employed by some responsible agents of the British government.

The Earl of Clarendon, in behalf of her Majesty's government, disclaims all intention to violate the laws, compromise the neutrality, or disrespect the sovereignty of the United States by enlisting troops within their territory. The President unreservedly accepts and is fully satisfied with this disclaimer. Of course, the unlawful acts in question were not authorized by the British government; but the fact is nevertheless well established that they were done, and done in the name and at the expense of the British government. Who, then, is responsible for those acts? Were there no direct proof—though there is much of that character—the inference would be irresistible that, not being authorized by the British government itself, they were the unauthorized acts of British agents in the United States. Such agents having acted in wilful disregard of the orders of their government in thus infringing our laws, may have failed to inform their government that what they had undertaken to do could not be done without infringing those laws; or by mismanagement, indiscretion, or overzeal, they may have participated in such infringement, though well knowing it was contrary to the wishes and the express orders of their government. However this may be, it is certain that agents existed, because their acts appear. Who were those agents?

Of this we are not left in doubt. In the documents on the subject recently laid before Parliament, it is distinctly stated that the enlistments in the United States did not stop until Mr. Crampton gave orders for their cessation on the 5th of August. He had power to stop the acts of enlistment; he knew the proceedings were, from the commencement, exceedingly offensive to this government, and that it was devoting its active energies to arrest them; he was bound to know, he could not but know, what was notorious to all the world, that through the months of April, May, June, and July, the recruiting agents in various parts of the United States, and conspicuously in Boston, New York, Philadelphia, and Cincinnati, were keeping up a most unseemly contest with the law officers of the United States, and that at least as early as May the illegality of the proceedings had been pronounced by the federal courts in New York and Philadelphia; and yet, notwithstanding this, he permitted the unlawful acts in question to go on without check until the month of August. For thus giving countenance to these illegal proceedings he is distinctly responsible.

But his accountability extends yet further; for the same documents show that the official suggestion to the British government of the untoward scheme of obtaining recruits in the United States came from the correspondence of Mr. Crampton, and of the consuls at New York, Philadelphia, and Cincinnati; and that to Mr. Crampton were the superintendence and execution of the scheme committed. And thus it is that he who directed had the power to stop the proceeding; and thus from early in March until August, he is found busily occupied in

superintending enlistments, partly in the United States, and partly in Canada and Nova Scotia, and in issuing instructions to the agents engaged in that enterprise.

It does not suffice for Mr. Crampton now to say that he did not intend to commit, or participate in the commission of, any infringement of the laws of the United States. He was the directing head of long-continued infringements of the law ; it was under superior authority from him that acts of continuous violation of law were perpetrated by the inferior agents : some of those agents are proved, by his own letters, to have held direct intercourse with him ; and at every stage of inquiry, in numerous cases investigated by the American government, there is reference, by letter and oral declaration, to the general superintendence of Mr. Crampton.

His moral and his legal responsibility are thus demonstrated. With full information of the stringency of the laws of the United States against foreign recruiting ; with distinct perception of its being all but impossible to raise recruits here without infringing the laws ; and with knowledge of the condemnatory judicial proceedings of April and May at New York and Philadelphia ; yet he persisted in carrying on the scheme until August, when its obstinate prosecution had at length brought on a most unpleasant controversy between the United States and Great Britain. And it is not the least of the causes of complaint against Mr. Crampton, that by his acts of commission in this business, or in failing to advise his government of the impracticability of the undertaking in which he was embarked, and the series of illegal acts which it involved, and in neglecting to observe the general orders of his government, and to stop the recruiting here the moment its illegality was pronounced by the proper legal authorities of the United States, he was recklessly endangering the harmony and peace of two great nations, which by the character of their commercial relations, and by other considerations, have the strongest possible inducements to cultivate reciprocal amity.

The foregoing considerations substantially apply to the conduct of the British consuls at New York, Philadelphia, and Cincinnati. Though of subordinate official character, they are not less responsible than Mr. Crampton. The continuous violation of the law proceeded within their respective consulates, month after month, under their eyes, not only without any apparent effort on their part to stop it, but with more or less of their active participation therein. The consulate at New York appears to have been the point at which the largest expenditures were made ; and it is proved, by documents herewith transmitted, that payments at that consular office ; to some of the recruiting agents, continued to be made by the secretary of the consul, and in the consul's presence, from time to time, down to the very beginning of January of the present year.

The President, as has already been stated by me, cannot admit the force of the objection now urged of alleged want of respectability on the part of some of the witnesses by whom these facts were proved, and as to whom a prominent cause of such alleged want of respectability seems to be the fact that their evidence has inculpated their accomplices in the violation of law. The testimony which most di

rectly inculpatcs the British consul at New York, as will be perceived by the enclosures herewith, is in the affidavits of the very persons relied on by her Majesty's government for proofs in this case, and whose depositions accompany Lord Clarendon's note to you of the 30th of April.

The Earl of Clarendon perfectly well understands that, in Great Britain as well as in the United States, it would be impossible to administer penal justice without occasionally receiving the evidence of accomplices. In Great Britain not only is evidence of this class received continually in State trials, as well as in inferior matters, but rewards and other special inducements are held out to such witnesses by not a few provisions of acts of Parliament. The competency of such persons as witnesses, in a given case, and their credibility, are, in both countries, questions upon which the court and jury, in their respective spheres of jurisdiction, ultimately pass. In the present case conclusions have been established on documentary proofs and other unimpeachable evidence—by proceedings before the proper tribunals of the United States; by the verdicts of juries, and by the rulings of judges—which must be held as final in the estimation of the President.

The Earl of Clarendon suggests, as a consideration pertinent to this question, that the minister and consuls had no means or opportunity of rebutting the charges thus indirectly brought against them, in the trial of the inferior recruiting agents.

In regard to the consuls, the Earl of Clarendon errs in supposing that they had not full means and opportunity, if they saw fit, to appear, and to confront and contradict any accusing witnesses. They were not allowed to interfere in the trials by mere letters written for the occasion, which indeed they could not have done lawfully, had there been no such prohibition; but if conscious of their own innocence, and that of the parties on trial, and that their own acts would bear examination, it was alike their duty and their right to appear and say so on oath, and to contradict by their testimony whatever was alleged against British officers or agents, if known to them to be untrue.

Nor is it any just cause of complaint that evidence was received upon these trials impugning the acts of Mr. Crampton. It was, in the due course of proceedings, required to be shown, as against the parties on trial, that the recruitments in which they were engaged were for the service of a foreign government. Mr. Crampton was himself privileged from trial for violation of the municipal law; but the persons whom he employed were not for that cause to go unpunished, nor was the administration of penal justice to be indefinitely suspended on account of his position, and the diplomatic immunities which that conferred. On the contrary, it was peculiarly proper that the facts by which he was implicated, but for which he could not be tried, should be verified in due form of law for the information of his own government, as well as that of the United States.

The Earl of Clarendon remarks in his letter of the 30th of April, that,

“The intentions of the British government, and the arrangements

made to carry those intentions into execution, were not concealed from the government of the United States.

"Those intentions and arrangements were frankly stated by Mr. Crampton to Mr. Marcy in a conversation on the 22d of March, 1855; and the only observations which Mr. Marcy made in reply were, that the neutrality laws of the United States would be rigidly enforced, but that any number of persons who desired it might leave the United States and get enlisted in any foreign service."

It is incumbent on me to say, that in this respect the Earl of Clarendon labors under serious misapprehension, which, while it serves, in part, to explain how it happened that the enlistments went on for so many months, in a manner contrary to the intentions and express orders of the British government, also serves to increase the weight of Mr. Crampton's responsibility in this respect.

I repeat now, with entire consciousness of its accuracy, what I stated in my letter of the 28th of December last: that at that interview (on the 22d of March, the only one I ever had with Mr. C., as he admits, in which the recruitment business was alluded to) "he [Mr. Crampton] had satisfied me that his government had no connexion with it, and was in no way responsible for what was doing in the United States to raise recruits for the British army;" "but I am quite certain that on no occasion has he intimated to me that the British government, or any of its officers, was, or had been, in any way concerned in sending agents into the United States to recruit therein, or to use any inducements for that purpose; nor did he ever notify me that he was taking, or intended to take, any part in furthering such proceedings. Such a communication, timely made, would probably have arrested the mischief at its commencement."

If he had then apprized me of the system of recruiting which had at that time been already arranged and put in operation within the United States by British agents, and under his superintending direction, he would have been promptly notified, in the most positive terms, that such acts were contrary to the municipal law, incompatible with the neutral policy of the country, a violation of its national sovereignty, and especially exceptionable in the person of the representative of any foreign government. Mr. Crampton admits that I specially warned him against the violation of our neutrality laws, but blames me now for not then stating to him that my construction of that law differed from his own. But no such difference of opinion was then developed. Mr. Crampton, on that occasion, manifested a coincidence in the opinion as to the provisions of that law which I then held, and have since fully disclosed. He called upon me to show a letter which he had written on that day to the consul at New York, "disapproving the proceedings of a Mr. Angus McDonald, *because* I [he] thought those proceedings would or might be taken to constitute a violation of the act of 1818"—the neutrality law of the United States. What were the proceedings of Mr. McDonald which Mr. Crampton thought might constitute a violation of our neutrality? The simple issuing of a hand-bill specifying the terms on which recruits would be received at Halifax into the Queen's service.

This opinion of Mr. Crampton ascribes as much stringency to our

neutrality acts as has ever been claimed for them by the government or courts of the United States. I had then no suspicion, nor did Mr. Crampton give me any cause to suspect, that he was acting, or intended to act, upon an interpretation of that law, which would justify the act of McDonald which he then condemned, and make that law but little better than a dead letter. I could not but suppose that he viewed it in the same light as Lord Clarendon did when he wrote his despatch to Mr. Crampton, of the 12th of April thereafter, in which his lordship declared it to be "not only very just, but very stringent."

To show that I was not mistaken in this respect, I quote a passage from a letter of Mr. Crampton, dated the 11th of March, to Sir G. le Marchant: "Any advance of money by her Majesty's agents or others in the United States would constitute an infraction of the neutrality law." The depositions which accompany this despatch, made by some of the same persons who have furnished the British government with affidavits to impeach Strobel and Hertz, prove conclusively that Mr. Crampton did disburse various sums of money to agents employed in recruiting within the United States.

It was, indeed, apprehended by me at that time that violations of that law would ensue. It could not fail to be seen, that any organized scheme of a foreign government to draw recruits from the United States, though by mere invitation, would necessarily tend to, and result in, violations of the municipal law. So decided was my belief in this respect, that measures had already been taken by me in behalf of this government, as it happened upon the very day of the interview with Mr. Crampton, to institute prosecutions against persons engaged in this business in New York and Philadelphia. I then notified Mr. Crampton of that fact, as he expressly admits in the report of that interview made to his government.

An attempt is made to deduce an excuse for Mr. Crampton's course in the business of recruiting in this country, from the alleged fact that he communicated to me on that occasion the arrangements which had been made for that purpose, and that I did not disapprove them otherwise than by insisting upon the observance of the neutrality law of the United States. This allegation is hardly consistent with Mr. Crampton's own statement of what then passed. In the defence of his conduct, recently sent by him to his government, he makes admissions inconsistent with the allegation that there was no concealment on his part, and that the recruiting arrangements were communicated to me. He says that "it is perfectly true that I did not enter into any details of the means which were to be adopted by her Majesty's government, to render available the services of those who tendered them to us in such numbers. There seemed to be obvious reasons for abstaining from this, even if it had occurred to me. I should have been unwilling to do anything which might have borne the appearance of engaging Mr. Marcy in any expression of favor or approbation of a plan favoring the interests of one of the parties in the present war. All I could desire on his part was neutrality and impartiality."

His reasons for withholding from me the details of the enlistment

system—the most important part of it for this government—are not satisfactory. If Mr. Crampton believed what he was doing, or intended to do, in the way of recruiting, was right, he could have had no reluctance to communicate it to me, for his instructions required him to make that disclosure.

Acting in due frankness, and with a proper regard for the dictates of international comity, Mr. Crampton should, it would seem, have disclosed to me all the measures intended to be pursued within the United States by the agents of his government, including himself, in execution of the act of Parliament for raising the foreign legion. Nay, he was expressly commanded by his government to practise no concealment with the American government on the subject. If he had obeyed these orders, all misunderstanding between the two governments would have been prevented.

Mr. Crampton was the more imperatively called upon to make full explanations on the subject, not only because he was commanded by his government so to do, but for the further reason that, immediately after the breaking out of the war between Great Britain and France on the one hand, and Russia on the other, he had, by an official note addressed to me, invoked the efforts of this government to enforce upon the inhabitants of the country, citizens or others, the necessity of observing the strictest neutrality towards the belligerent parties, and especially to enjoin upon them to abstain from taking part in armaments for the service of Russia, or in “any other measure opposed to the duties of a strict neutrality.” To this application the undersigned, by express direction of the President, replied, declaring that the United States, “while claiming the full enjoyment of their rights as a neutral power, will observe the strictest neutrality towards each and all the belligerents.” Reference was made to the severe restrictions imposed by law, not only upon citizens of the United States, but upon all persons resident within its territory, prohibiting the “enlisting men therein for the purpose of taking a part in any foreign war.” It was added, “that the President did not apprehend any attempt to violate the laws; but should his just expectation in this respect be disappointed, he will not fail in his duty to use all the power with which he is invested to enforce obedience to them.”

In view of this formal and solemn appeal by Mr. Crampton to the American government, and of the assurance he received of its determination to maintain strict neutrality, it was not for a moment suspected that Mr. Crampton could misunderstand this purpose, or believe that he would be permitted to set on foot, and execute, for the period of five consecutive months, a systematic scheme to obtain military recruits for the British service in the United States. That Mr. Crampton did enter most deeply into this scheme is proved by the evidence already submitted to her Majesty's government, but is still more conclusively established by the additional proofs which accompany this despatch. Whatever detraction from the value of the testimony against Mr. Crampton may result from the attempt to discredit Strobel and Hertz, is much more than made up by the additional proofs now adduced. This body of strong cumulative evidence confirms the President's former conclusion as to the complicity of Mr.

Crampton and the British consuls at New York, Philadelphia and Cincinnati in the illegal enterprise of recruiting soldiers for the British army within the United States ; and the President does not doubt that when this new evidence shall be brought under the consideration of her Majesty's government, it will no longer dissent from this conclusion.

The gratification which the President feels at the satisfactory settlement of the recruiting question, in so far as respects the action of the British government itself, has induced him to examine the case again with a view to remove, if possible, from his mind the personal objections against her Majesty's minister and consuls. This examination has not produced that effect ; but, on the contrary, has strengthened his conviction that the interests of both governments require that those persons should cease to hold their present official positions in the United States. He sincerely regrets that her Majesty's government has not been able to take the same view of the case, and to comply with his request for their recall ; but it has not consented to do so.

If, in the earnest desire to act with all possible courtesy towards her Majesty's government, the President could have suspended his determination in the case in order to submit the new testimony, which he is confident would have been found sufficient to induce compliance with his request for the recall of the British minister, he is precluded from any such thought of delay by the exceptionable character of despatches of that gentleman, copies of which, having been recently laid before Parliament, have thus come to the knowledge of this government, and which are of a tenor to render further intercourse between the two governments, through that minister, alike unpleasant and detrimental to their good understanding.

The President has, therefore, been constrained, by considerations of the best interests of both countries, reluctantly to have recourse to the only remaining means of removing, without delay, these very unacceptable officers from the connexion they now have with this government. This course has been deemed necessary on account of their unfitness for the positions they hold, arising from the very active part they have taken in getting up and carrying out the system of recruiting, which has been attended with numerous infractions of our laws, which has disturbed our internal tranquillity, and endangered our peaceful relations to a nation with which this government is most anxious to maintain cordial friendship and intimate commercial and social intercourse.

He has therefore determined to send to Mr. Crampton, her Majesty's diplomatic representative, his passport, and to revoke the exequaturs of Mr. Mathew, Mr. Barclay, and Mr. Roweroft, the British consuls at Philadelphia, New York, and Cincinnati.

I am, sir, respectfully,
Your obedient servant,

W. L. MARCY.

GEORGE M. DALLAS, Esq.,
&c.. &c., &c., London.

UNITED STATES COMMISSIONER'S OFFICE, BEFORE JOSEPH BRIDGHAM, ESQ.

Charge of enlisting for the Crimea—complaint dismissed.

THE UNITED STATES
vs.
 CARSTENSEN, AND OTHERS. } August 2.

The state's evidence, Anthony Rosenbaum, was cross-examined at considerable length, and availed himself of the privilege of declining to answer certain questions. He said he had been twice arrested before he communicated the facts to the district attorney; he was under arrest at the time he made the communication; had been in prison about fourteen days; had no written contract with the men he took to Boston; gave them no money. I am a native of Hamburg; I am in this country about sixteen months; went from Hamburg to England, and then came to New York; I was in England about three years; I was in a great many places in England; I was an artist, and painted likenesses; I was in the commission business in German goods.

Q. Were you not engaged in smuggling in England?

A. I decline to answer. I was not in prison in England for that offence.

Q. Did you not run away from England to avoid arrest?

A. I object to that. I never was engaged here in the business of smuggling; I was the manager of business for Baldwin & Co., Philadelphia, jewellers.

Q. Did you not, as their manager in importing, defraud the government?

A. I refuse to answer.

Q. Who was Mr. Baldwin?

A. A gentleman of my acquaintance.

Q. Were not you Mr. Baldwin?

A. I have answered that question before. I cannot be acquainted with myself; I never was in the employment of any emigrant forwarding-house here.

Q. What business have you been in since you came from Philadelphia besides engaging men for the Crimea?

A. I refuse to answer; I know the premises 75 Bowery; I never occupied any part of them; I have taken meals there, and paid for them.

Q. Did you ever receive any money that was paid there for the business of the house?

A. No; I never was engaged in the business of keeping girls, or a house of prostitution there, nor at any other place in the city of New York.

Q. Have you ever been engaged in a gambling house here?

A. I refuse to answer; I know the gentleman present, (Mr. Brendt;) I never was in partnership with him in the house 75 Bowery.

I, Joseph Bridgham, United States commissioner for the southern district of New York, do hereby certify that the foregoing is a true

copy of a portion of the testimony taken before me in the above matter. The notes of the continued examination and cross-examination of Rosenbaum on the 2d day of August, 1855, being mislaid, are not included in the foregoing written copy, but the substance of the same is contained in the accompanying slip from the New York Herald.

In witness whereof, I have hereunto subscribed my name and affixed [L. s.] my seal, this thirtieth day of November, 1855.

JOSEPH BRIDGHAM,
United States Commissioner,
Southern district of New York, 2d circuit.

THE UNITED STATES	}	
<i>vs.</i>		
HANS P. JORGENSEN, FREDERICK C.		
M. CARSTENSEN, and AUGUSTUS		
M. THORMAN.		John McKeon.—Enlisting in foreign service.—W. R. Beebe.

July 30, 1855. Mr. Beebe appears, and waives the production of the warrant against Jorgensen, and consents to proceed against the three defendants above named.

Anthony Rosenbaum, sworn.—I knew Carstensen; have known him for three months; I have had something to do with hiring men to go to Halifax; I received a letter from Mr. Schumacher to Carstensen; I did not read the letter; Mr. C. read the letter in my presence; he did not tell me the contents, but several lines of it, in which Mr. Schumacher said he (Carstensen) should receive me well; that he should have me paid on the same day of my arrival. I told him that Mr. Schumacher gave that letter as an introduction to Mr. Carstensen; that I had to deliver my men which I brought over to Mr. Carstensen, who would pay me four dollars a head for them. Mr. Carstensen said he was glad that we had brought over such a good number; that they should be shipped for Halifax the same day; and that I should be paid in a few hours. I went with Mr. Thorman to Mr. Carstensen to see Carstensen; Mr. Carstensen then got up and went with us to the office of Sprague, Soulé & Co., where we left the men; Mr. Carstensen said he was the only authorized person in Boston to ship the men for the governor in Halifax; he said that he was a captain in the English foreign legion, and showed me a written authority, (telegraphic despatch,) which said nothing but "apply to Clark and Jones; all right." Mr. Carstensen said it was an answer to a despatch he had sent up to Halifax to Sir Gaspard le Marchant; that this was in consequence of a dispute with Mr. Keitchbech, who himself pretended to be the only authorized agent to ship men. These men, he said, were for the governor of Halifax, for the men to enlist in the English foreign legion. This occurred at Boston. (Counsel for the defendants objects to all transactions which occurred at Boston.)

Carstensen and I then went to the office of Sprague, Soulé & Co., and counted the men; there were twenty-six men, all brought by Thorman, Weitchen, and myself. He then spoke to one of the firm, I don't know which, and afterwards told me that these could be shipped

at once in a vessel then lying at T wharf called the "America." All the men then left on board the vessel. I saw the men on board, and Carstensen, Thorman, and Weitehen went on board with them. Mr. Carstensen then spoke to the captain of the vessel and asked him whether he would make any arrangements to supply them with victuals for the passage. We then waited on the wharf for nearly three hours for the vessel's departure. Before she left, a clerk for Sprague, Soulé & Co. went on board with Carstensen, Thorman, Weitehen, and myself again to count the men and have their names put down on a list. Then Mr. Keitchbeeh came up and claimed all the men, telling me that Mr. Carstensen had no authority (this was in Carstensen's presence) to pay me one dollar. I knew Carstensen by the name of Milford, also. Then Carstensen took Keitchbeeh aside, and, after a conversation of about half an hour, Keitchbeeh came up to me telling me that he was mistaken, and that he had now himself seen the authority of Carstensen. Carstensen then told me we had better leave the place, because one of the men which was shipped was intoxicated and made a great noise, and would be very likely to draw the attention of the police towards us. At that moment the vessel started, and when it was near out of sight, we all went back to the office of Sprague, Soulé & Co. Mr. Carstensen requested me to assist him (Mr. Thorman was with him at the time) in writing receipts for the agents—Thorman, Weitehen, and myself as agents—for bringing men from New York to be shipped in Boston for Halifax. He also wrote three lists of all the men. I inquired of Mr. Carstensen what these three lists were for. He said one had to remain with the firm of Sprague, Soulé & Co., another to be sent to the governor at Halifax, and the third was for himself. He waited for another hour, and then Mr. Carstensen paid me forty-eight dollars for twelve men, for which I had to sign a receipt. Then Mr. Carstensen, Tolman, Wetchner, and myself, and Keichbeeh, all went to Kipp's boarding-house, in Washington street, and had champagne, &c., which was paid for by Mr. Carstensen. We then all went for the railroad depot, accompanied by Carstensen and Keitchbeeh. Mr. Carstensen told me that Mr. Keitchbeeh was working for the Polish-officer's regiment in Halifax; that he (Carstensen) worked for the German English foreign legion; that he would get me a commission in the legion if I would only work for him. He then gave me a letter unsealed to Major Wise, in New York.

Adjourned to 10 o'clock a. m., to-morrow.

JULY 31, 1855.

Examination of Anthony Rosenbaum continued. We had half an hour left before the train started, and we walked back again to Mr. Carstensen's residence. Mrs. Carstensen there informed us that he had received a telegraphic despatch from New York, informing him that Schumacher, Cromly, and Parker, had been arrested for enlisting men for Halifax. We then went back to the depot, where Mr. Carstensen handed me another letter to Mr. Schumacher; he told me

again to stick to his party, and only be active in New York for Schumacher and Cromley, who, in conversation with him, wanted to send as many men as they could possibly get, to show that they could do more than the Polish party. We then left for New York. Thorman was by all the time.

When I came to New York, I at first went to Eldridge street jail, delivered my letters to Mr. Schumacher, who asked me whether Carstensen had paid me for the men he sent him by me. He requested me to call on Major Weiss, and to tell him that they wanted to see him, to get out on their bail. I told Mr. Schumacher that I had a letter myself to Major Weiss, from Mr. Carstensen, but that I did not know his address. He referred me to the English consul, who would furnish me with the address. I went to the English consul.

The district attorney offers to show, by conversation at the British consul's office with Mr. Stanley, the connexion of Stanley, Schumacher, Cromley, and Carstensen, with the enlisting, and hiring, and retaining of men in the city of New York.

The counsel for the defendants objects that nothing transpired at the consul's office can be used to charge Carstensen at Boston.

Adjourned to Thursday at 10 o'clock, a. m.

Thursday, August 2, 1855.—Examination of Rosenbaum continued. Submitted.

August 6, 1855.—Discharged.

Proceedings before Commissioner Betts on the examination of Cromey and others, charged with recruiting for the service of Great Britain.

THE UNITED STATES	}	G. F. Betts, commissioner : Enlisting men for the British army.
vs.		
GODFRIED WACHTER.		

May 15, 1855.—District attorneys, Beebe and Carpenter.

Adolphe Vischoff. Know Wachter ; he kept his place 127 Grand. I was there last Monday week ; asked him if he could not give me work ; he said " yes ; " he had one place to go as farmer from here to Boston, and a place for a foundry. Then he asked me if I would like to go as soldier from here to Halifax ; when I was in Halifax I would get \$30 pocket-money and \$8 a month for being a soldier ; then he told me to come back to Grand street that same day, and he would tell me where the vessel was. He told me then where the vessel was, Pier 2, North river. I was to go from here to Boston, and thence to Halifax in that vessel. Told him that day I couldn't go ; would come Tuesday, and had a friend who would come with me ; then he told me if I knew more to bring them in. I was to be a soldier, when I got to Halifax, in the English army.

THE UNITED STATES	}	Enlisting men for the British service.
<i>vs.</i>		
WILHELM SCHUMACHER.	}	May 15th, 1855.—G. F. B.
SAME		
<i>vs.</i>	}	
JULIUS PARKUS.		
SAME	}	
<i>vs.</i>		
OSCAR CROMLEY.	}	

District Attorney calls

Peter Oswald.—Know Schumacher ; was there in the morning, in Chatham street, No. 53, May 3d instant, about 8 o'clock ; Mr. Johnson, and Mr. Wertz, and Mr. Wener were talking there about engaging men—some for laboring, and some for the Crimea. A young man was there who they said they had engaged as a machinest to go in a machine-shop near Boston. They wanted me to find out who were enlisting men for the Crimea, and asked me if I would help. I said I would, and went to 130 Liberty street ; there was there, down stairs, a paper man wanted. I then went up stairs and saw Schumacher and Cromey, (did'nt know his name.) A German Canadian, named Harkey, was sitting there ; another young fellow—I don't know his name—he used once to be a bar-keeper. I asked : “Is this the place I can get the work ?” Schumacher told me yes. I told him I was six months in this country, and I had nothing to do yet, and I was willing to do anything they could give me. Then he said he had no work ; but if I would like to go to the Crimea, he would take me as a soldier in the English army ; that he would take us from here to Boston, the same day send me to Halifax ; may-be we would stay there a couple of months, and then we go off to the Crimea. Cromey said I could'nt do anything better than go there ; so Harkey said ; then I said “I will go.” Then he told me to be there at half-past three ; then I came to the district attorney's office ; then I went there at 3½, in bar-room ; 10 or 12 were there, all going along, all talked about killing Russians ; then I went to the boat with them—it was then past 4—the boat going to Boston, Pier No. 2. Schumacher went along with us. The first time I was there, they said I should get \$30 as soon as I got to Halifax, and \$8 a month. I was to be a lieutenant, as I had been in the Prussian service.

Cross-examination.—Am a carver ; have been six years in this country, all the time in New York, and twenty-four years old ; worked last for Haslow ; and was first in this building the 3d of this month. Had been here two days when I went to Chatham street. Knew Wertz, (he keeps the house,) a German. Nobody had employed them to catch them. Johnson went over to 131 Liberty street ; remained outside ; went in after. I didn't intend to go to the Crimea. I got no money ; put my name down on a paper ; they had a list ; saw nothing on it but names ; I didn't write it on the list ; I wrote it on a piece of paper (nothing else on the paper) so that he might see how it was spelt. There was a table in the room ; it was a private room in a hotel.

Q. How much was you to get for finding?

A. I decline to answer that question. I consider it insulting. I went there because I didn't like to see them enlisting men in that way. I was in that room about ten minutes. Johnson didn't come into the room whilst I was there. I went back then to 53 Chatham street; nobody went back with me. Johnson went in. Found some men at 53 Chatham, and some strange ones; stayed there about two hours; then Wertz says, "come along, we will go to the City Hall." Went, I think, to the Mayor's office; then here, Wertz, Johnson, Wener, and myself, and Hochmund; saw Niven when I came here. McKeon made an affidavit, swore to it; all made affidavits.

They told me to go back there at 3½. Officers were to be there on the boat. I carried a carpet-bag there; got it at Wertz's house; it was not mine. I did not go up in the office again. Met Schumacher first inside. He says, "We have got about ¾ of an hour;" if any body came to ask me where we go, not to answer them. He was to go to Boston with us.

I signed nothing: nothing bound me to go. He didn't tell me that if, when I got to Halifax, I didn't like it, I could come back; he said nothing about coming back.

(Adjourned to Thursday, 12 m.)

Cross-examination resumed: I never was there but once. Schumacher didn't tell me his name. I didn't know his name when I made the affidavit. I said nothing about killing Russians at the porter-house. I talked in German when I was in the room. Am a Russian—not a citizen of the United States; declared my intention five years ago. I was a soldier, sergeant, 2½ years; ran away; never been arrested in this country. Don't know Stockel, a Russian consul. Schumacher didn't show me any power he had to hire me. He said he was going along. He said he would give me \$30, and \$8 a month; "I will give it," not "you will get it;" that he was to pay it; I knew nothing about government. It is none of your business whether I am to be paid, if the accused are convicted.

Redir.—I went with S. on board the boat. S. had tickets for us all in his hands; he didn't give me a ticket; he told me to stay and see that none of the party went off the boat. I am not to get any money for convicting these men.

Re-cross-examined: I saw S. buy tickets on board, at the office.

John Cowen. Am policeman, stationed on North river, between Liberty, Battery Place, and West; that includes the steamboat to Boston. Saw accused once. First time I saw the three together was here after the arrest. Saw Schumacher on dock pier 2 once—the third of this month. One of the marshals requested me to come and assist him. After I got there he pointed S. out to me, and wanted me to take charge of him. About 4½ o'clock (steamboat was about to start,) I told S. I wanted him to come with me. He asked me where I wanted him to go, and whether it was the chief of police who had him arrested. I told him I supposed he knew who had him arrested; that he was arrested by one of the United States marshals. He asked me what for? I told him for inducing men to go from here to Nova Scotia to join the Crimean expedition. He then told me he wanted to see

a man that was on the dock to get his money back for the tickets. I told him that I could not wait any longer—that I had to go; he came along up West street; asked me if I wouldn't see and get the money returned for these tickets, and handed me twelve tickets voluntarily himself. I gave them to Joachinsen; eleven second class, and one first class.

John Jansen.—Know Cromley and Schumacher. There was an advertisement in the newspaper—wanted, twenty or thirty young men, (in the German newspaper) at 130 Liberty street; went there; met S.; asked him if he wanted young men; he said yes, and referred me to Cromley. He was in the office; I asked him if he wanted young men; he said yes, and referred me to Cromley. He was in the office; I asked him, do you want young men; he said yes. I asked him “where do you send them?” He said in the country. I asked in what place? He said from here to Boston; from there to Halifax as soldiers; from there to the Crimea to the English army. I said I didn't want to go; I did nothing else; I saw him on the dock when arrested.

Ferdinand Wertz.—Know all three of the accused. I first saw Parkinson at pier 2; asked him where the people were going to, who were engaged for machinists; he said to Boston; I asked him why the people were to come at 4 o'clock, as the boat didn't go till 5. He said it was better to have them there. At about $\frac{1}{4}$ before 5 he took the men from pier 2 to 3—about 10 men.

On the 3d, Mr. Oswald was engaged; I wanted to see him; I entered in the bar-room, 130 Liberty street; Schumacher came in; the hotel-keeper asked me if I wanted to go to the Crimea; I asked him for what; he said “these people all are going there that are in the bar-room.”

That afternoon I went with the marshals down on the pier; saw S. talking with Oswald, and when they were arrested.

In the bar-room at Liberty street, men were drunk, and squaring-off, and saying we are going to fight the Russians. S. came down with that troop, and Oswald too.

Cross-examined.—I never heard either of accused engage any man to the Crimea. I kept the place 53 Chatham.

(Adjourned to Tuesday, 9 a. m.)

May 23, 12 m.

James Hann, an acquaintances of mine, introduced me to Mr. Parkus, at 26 (I believe) Mott street, at Harris's boarding-house, telling him that, perhaps, on getting acquainted, I should have a mind to join their corps. Hereupon, he conducted us to his (Parkus's) private room up stairs, asking me there whether I had been a soldier before. I said, “Yes; my degree was a lieutenant in the Prussian militia, Landwehr.” “Well, sir, if so, you may depend to be at least a sergeant in the British army; then you get for bounty 7*l.* or 8*l.* at Halifax.” I told him I would take this into consideration. “If you prefer to be an agent, we get \$3 for each man, at Boston. You may deliver them yourself, or leave them to us. Come this evening to pier 3, I want to introduce you to one Major Weiss.” I said, “I will see; when will I want you to-morrow?” He said: “You can't find

me here, I move every other day ; you will find me at Lewis street, in the basement." I forget the number. He showed me a document in proof of his having been an officer in Germany.

Cross-examined.—I have been here about eight years ; have not become a citizen.

Redir.—I know nothing about Schumacher or Cromey.

Louis Bamberger, sworn as interpreter.

Augustus Werner, (sworn through Bamberger.) Know Parkus—the other two only by sight. I read, May 1st, in German newspaper, called the *Stáats Zeitung*, that, at 118 Grand street, mechanics were wanted. I went there ; found a young gentleman, whom I asked if he wanted engineers ; he replied, yes. Wanted to know if Werner had money to carry him to Boston ; I said the advertisement stated that passages were free. He then said, if I would engage to go to Boston, and be at pier 2, that afternoon, he would forward me there free of expense. I went at 4 o'clock to pier 2, N. R., in company with "Wertz"—(the man at Grand street is not here.) When we came to pier 2, found there several others, about 10. Parkus came and took them to pier No. 3, where they went on board the vessel ; a third party joined them there—a tall gentleman, whose name I believe to be Weiss. Mr. Jansen, whom I lived with, came on board to wish me good-bye. He asked me where the foreman was ? I pointed out to Jansen, the man that engaged me at 118 Grand street. Parkus said nothing. Next day I went to see Parkus, 26 Mott street, with another German, who asked for employment. Parkus said that he wanted men to enlist in the English service, paying \$30 bounty, to go to Boston and Halifax, and \$8 a month. I don't know where I was to get the \$30. Parkus inquired of the other man if he couldn't make up his mind to join right away—also putting the same question to Werner. I said no, and left the office.

Cross-examined.—I am an engineer ; was born in Germany ; have been here since Dec. 3d ; am not a citizen of the United States.

Prosecution rests.

(Adjourned to Friday, 10 o'clock, to sum up.)

UNITED STATES	} Same complaint.
vs.	
ANDREW LUTZ.	

Louis Bamberger, sworn as interpreter.

Gustave Michael. Know Andrew Lutz. I read in newspaper that men were wanted at 25 Mercer ; when I came there, the landlord told me that there had been a man living in his house that had been enlisting men for the Crimea, which he would'nt have in his house, and the man moved ; but if he wanted to be engaged, to go to 91 Chatham, where Lutz was residing. I went there, and found there de-

fendant. I told him I was sent from 25 Mercer ; asked him if he was engaging people for the Crimea? He said yes. (This was May 9th.) I asked him "under what condition?" He replied that I would receive thirty dollars at Halifax, and; after being a soldier, eight dollars a month. He said if I had any friends that wanted to go, to bring them. He afterwards told me to be back at three to three and a half, as he wanted to take me to the boat. I did not return the same day, but the next; brought Vischoff with me. I presented him to Lutz; he asked him if he would like to join to go along? He said yes. Lutz told him he was to go to Boston, from there to Halifax; that probably he would remain at Halifax from eight to ten months; that he should return next Monday at three o'clock; that we should receive tickets to forward us; that was all.

Cross-examination.—I lived at Duane street; no parents here; have been here since last November; going on 18; I didn't intend to go to the Crimea; I went there to be engaged, because I was sent; I had no idea of becoming a soldier; I went there to catch Lutz; Vischoff told me he had been to Wachter before; Nivens sent me to Lutz, (the deputy marshal;) I didn't sign any paper, nor get any money; I was in the Toombs Monday.

To Commissioner.—I promised Lutz to go to Halifax; so also did Vischoff.

Adolphe Vischoff sworn.

Adjourned to Monday, 9th.

May 28th.—Mr. Beebe moves to discharge the men on ground that no sufficient evidence exists to commit them.

Mr. Joachinson argues, (iii Statute at Large, p. 448, and 2d act, 1818,) state of war in Europe notorious; to be presumed that allies are recruiting in neighboring colonies. Defendants retained men not to enlist, but to go to Halifax to be enlisted; defendants came from Boston; provided persons with tickets to Boston; wanted persons to go to Halifax, and get there \$30 bounty, and \$8 a month. Supposing that men retained to go had no intention to go; this was not necessary any more than doing the latter. Deputy came here to take away men; they retained the men; and the intent was, on their part, that the men retained should go into the service of the Queen of Great Britain, and the crime was consummated. Men in Philadelphia have been held.

Mr. Beebe argues, 1. Our rights as citizens to leave this country at our pleasure—free press—citizens have always left to enlist under foreign princes with consent of our government. I can go to Halifax, and you can ask me to go. Stronger right in case of an alien to leave the country. It not being an expedition set on foot here—object of Stat., that no foreign government, by its authorized agents, can open a recruiting office in this country, or hire, by its agents, its citizens here to go and serve its own. Intent is not punishable; the essence of the crime is the contract consummated; if not interrupted, would make the party a soldier of the foreign government. "Enter," applies to naval service. No evidence as to Cromly, except that Oswald found him in the room, and said, "I think it is the best thing you can do!"

In Wachter's case, he didn't promise to go. In Parkus's, they saw him in Mott street; he asked him if he wouldn't go, and said "no."

Schumacher made an arrangement with Oswald to go; he came down with a carpet-bag to steamboat. But if this was not to eventuate in his becoming a soldier, in absence of any interference, there was no offence.

Mr. Joachinsen replies: Act makes an offence in person who hires or retains, and in the person who is hired; and another in hiring with intent to go. Both persons need not have the intent; the Stat. is indisjunctive.

Authority inferred from the acts of defendants; no foreign government can authorize to violate our laws.

Contract would be illegal; there is no such thing as a valid contract here to enlist in another country. Question of contract must, therefore, be thrown out.

Complaint discharged against Wachter; sustained against Lutz, Schumacher, Cromley, and Parkus.

I, George F. Betts, United States commissioner for the southern district of New York, second circuit, do hereby certify that the foregoing is a true copy of the "minutes of testimony" taken before me in the above matter.

In witness whereof, I have hereunto subscribed my name and affixed my seal, this twenty-eighth day of November, in the year [L. S.] of our Lord one thousand eight hundred and fifty-five.

GEORGE F. BETTS,
U. S. Commissioner

Affidavits of Louis Celagi and others.

UNITED STATES OF AMERICA, }
Southern District of New York. }

Louis Celagi, being duly sworn, says: That on the 28th of April, 1855, he was engaged by Smolenski to serve as a lieutenant in the regiment he was then raising at Halifax; that deponent received orders from said Smolenski to draw on Messrs. Clarke, Jones & Co., of Boston, for the expenses of forwarding recruits enlisted in the United States to Halifax; during the time deponent was stationed in Boston, from the 28th of April to the 16th of July, 1855, deponent forwarded over two hundred men from Boston to Halifax; these men were enlisted in the United States, and were kept in Boston until conveyances were found to convey them from thence to Halifax; their board was paid by me; Rosenbaum was one of the recruiting agents stationed in New York. The agents received from me four dollars for each man. I acted as lieutenant and secretary to said Smolenski, who is now in England. The latest intelligence I had from him is the annexed letter to Mr. Schwerrer, one of the boarding-house keepers in Boston. Smolenski has taken all his original papers with him. As such secretary, I have read all his correspondence. I know the handwriting of Mr. Crampton, the British

minister ; also the handwriting of the Hon. Joseph Howe. About the 26th of June, 1855, Smolenski left the city of New York for Washington, and there met Colonel Ansell, of the seventy-sixth regiment of infantry ; and, in the presence of Crampton, said Ansell and Smolenski made an agreement, which I saw and copied. Mr. Crampton's name appeared as a party to it, and the substance of which is as follows : That Smolenski was to raise a regiment of one thousand men, being ten companies of one hundred men each, to be raised in ten consecutive months, and for each company he was to receive the sum of \$2,000 ; said Smolenski was to be colonel, and have the appointment of the regimental officers. That said agreement also contained a clause that the officers appointed by Smolenski were to receive the sum of \$75 per month, and to remain in the United States to recruit men. That Crampton wrote a letter to Lieut. Preston and Ensign Davis, the substance of which was, that any person recommended by said Smolenski were to be received by them and treated as officers. I saw this letter and made a copy of it.

That deponent saw several letters from Mr. Stanley to said Smolenski in or about the month of October last, the substance of which were, that if said Smolenski would return the papers then in his possession, he, the said Stanley, would pay him four thousand dollars ; that Stanley afterwards came to Smolenski and wished to settle with Smolenski about the papers, which he refused to do. Deponent saw Strobel in Boston. He was known to me as a captain of the first company of the foreign legion.

LOUIS CELAGI.

Sworn to before me, this 24th day of May, 1855.

FRED'K SMYTH, *Notary Public.* [L. s.]

LONDON, *May 1, 1856.*

DEAR SIR : I addressed my first letter to Mr. Charles Weeber ; now I write to you as having the same interests. The peace lately concluded changed a little our affairs. The British government, for our commissions, is ready to pay a just indemnity to me and to my officers. Your and Charles Weeber's payment will fall on their parts ; but in this case their presence here, as you can judge, at least of two of them, is indispensable, in order to ascertain the reality of their and your pretensions. The affair being unsettled, I am unable to send them the expenses of such a voyage. For common interest, you and Charles Weeber will not refuse to them some advance in such a purpose, which you will receive with utmost security. Sooner they will come here, so better for all. Do not doubt all will be settled in a satisfactory manner.

Receive my thanks for your kindness, and pay my best respects to Charles Weeber and his family.

Yours truly,

JOSEPH SMOLENSKI.

UNITED STATES OF AMERICA,
Southern district of New York, city and county of } ss:
New York.

Ignatius Magewski, of the city of New York, being duly sworn, says: That he is a military man by profession; has held the rank of second lieutenant in the Russian service, and also in the Hungarian service, during the Hungarian revolution.

That in May, 1855, he was appointed a lieutenant in the foreign legion. His appointment is hereto annexed, marked A. He was stationed in New York to recruit; he knows Messrs. Barclay and Stanley, of the British consulate in New York; commenced recruiting in New York on the 8th May, 1855; his office was No. 251 Broadway; was under orders of Smolenski; the recruiting lasted, under his orders, until the 10th of August, 1855. The men were sent by steamer to Boston, and thence to Halifax; by boat and railroad to Niagara, and from New York by vessels to Halifax. Mr. Barclay and Mr. Stanley knew of this; they furnished the money. The annexed paper, marked B, is in Mr. Stanley's handwriting. It is a direction to deponent in what vessel to ship men. On the 10th July, 1855, Mr. Barclay paid me \$2,000, in twenty \$100 bills of the Grocers' bank, New York, to pay to Colonel Smolenski. This payment was for recruiting under Smolenski's order; I got it on an order from Smolenski to Barclay.

On the 29th June, 1855, I received \$375 from Stanley to pay passage money for the recruits. I was stationed at Boston on the 11th of August. Recruits were sent by me to Halifax from Boston on the 14th of August. It was an instalment of thirty men. Clark, Jones & Co. were the disbursing agents in Boston. Whilst stationed in New York, I saw and conversed with Mr. Stanley every two or three days. I saw and spoke to Mr. Barclay about as often; our conversations were about the enlistment business. I reported myself on these occasions at the British consulate in New York, and they knew my business very well.

IGNACY MAJEWSKI.

Sworn to before me, May 24, 1856.
 [L. s.]

FREDERICK SMYTH,
Notary Public.

(B.)

Captain Kay,
 Schooner "Sarah and Adelaine,"
 Pier No. 14, North river.

Boston, May 1, 1855.

SIR: By a confidential letter of the honorable Joseph Howe, dated 28th April, 1855, and by command of his excellency lieutenant-gov-

ernor of Nova Scotia, I am authorized to raise at Halifax a regiment for the foreign legion for her British Majesty's service. Communicating to you a copy of this act, I have the honor to invite you to join me as a lieutenant in my regiment.

I am, dear sir, respectfully, yours,

JOSEPH SMOLENSKI.

Lieut. IGNACY MAJEWSKI.

UNITED STATES OF AMERICA,
Southern district of New York, city and county of } ss.
New York.

Anthony Bukaty, now of the city of New York, engineer, being duly sworn, says: That, in June, 1855, he was a resident in the city of Washington, following the employment of an engineer, No. 255 Sixth street, between G and H; he thinks that was the number, in the neighborhood of the Patent Office. Mr. Smolenski called on me, and showed me the act of Parliament authorizing the formation of the foreign legion. He also showed me his contract with Mr. Howe, appointing him a colonel for a regiment to be raised. He solicited me to become the captain of the second company of this regiment; deponent asked for time to consider, as he did not think Mr. Smolenski sufficiently empowered. The next morning Smolenski again called on the deponent, and then showed me a written contract between him and Colonel Ansell, then in Washington, and which appeared to have been concluded by the intermediation of Mr. Crampton on the preceding evening. This contract stipulated for the raising of a regiment by Smolenski, who was to be the colonel. He was to have ten companies raised—one every month. Each company was to be of a hundred men and non-commissioned officers. No particular place was specified where the enlistments were to be made, but it was understood to be in the United States. Smolenski was to receive \$2,000 for the expenses of raising a company; Smolenski had the original, and has it now with him in England. I accepted the appointment. I went to Halifax in September last. I went to Montreal in July, and was sent to Halifax in September.

In November last, towards the end, Mr. Stanley paid me \$130.

I was stationed at Halifax to receive recruits; that was also my duty at Montreal. Recruits came from all parts of the United States.

ANTHONY BUKATY.

Sworn to before me, May 24, 1856.

FREDERICK SMYTH, [L. s.]
Notary Public.

THE UNITED STATES OF AMERICA,
Southern District of N. York, city and county of New York.

Leon Sierawski, residing at Morrisania, in the State of New York, being duly sworn, says: That he has been a captain in the military service of Belgium, and came to this country about $3\frac{1}{2}$ years ago.

That in April, 1855, he resided on a farm near Tarrytown, in the State of New York, when he received a letter from Joseph Smolenski, who is now in England; and the deponent narrates as follows:

In consequence of such letter, I met Smolenski in the city of New York, and he told me that he was raising a regiment for England, and offered me the rank of captain. He showed me letters from Mr. Crampton, in Washington, and Sir Gaspard le Marchant, of Halifax, which gave him this authority. He subsequently gave me the annexed paper, marked No. 1. This was given me in Boston. I accepted the appointment, and we went to Boston with him. I was there stationed as supervising agent. Mr. Crampton on one occasion called on Smolenski in Boston. This was at a time when Smolenski returned from Halifax with Carstensen and Clark. This was about May, or early part of June, 1855. Men were despatched from Boston who had come from New York and Philadelphia. Hertz was one of the enlisting agents in Philadelphia; I stationed Mr. Kowalski there, at Mr. Smolenski's order. Three hundred and fifty men went from Boston, who had come there as above stated. These men were all of them distinctly told that they were going to Halifax, there to be enlisted in the English military service, and were to get \$30 a head bounty, and \$8 a month. The last were sent in the latter part of the month of August, 1855. The annexed papers, Nos. 2 and 3, are receipts for some of the men so sent to the British provinces. They are signed by George Bruce Davies, now a captain in the foreign legion, and formerly an ensign in the 76th regiment of British infantry. These papers are originals. Others were receipted for by Lieutenant Preston, at Niagara. The receipts are in the possession of Smolenski. I have seen in Smolenski's possession original letters signed by Hon. Mr. Crampton. These letters authorized Mr. Smolenski to form a regiment and to select his officers up to the grade of Captain. This letter was dated at Washington. Smolenski had altogether three letters from Mr. Crampton—one dated Washington, another at Boston, and the other from Halifax. The Washington letter was dated in the commencement of May; the second was from Boston, about a month later. Mr. Crampton, in this letter, expressed himself satisfied with the recruitments, and that they should continue. The last was from Halifax, sometime later, but the contents thereof I do not know. In my line of duty, I had to travel throughout the United States, and to Halifax and Niagara and the Canadas. I saw Mr. Crampton at Washington at the end of last November. I spoke to him about these recruitments, and asked him for my legitimate pay for my services and for my compatriots, to the number of six. He received me very well. He gave me his word of honor, placing his hand upon his heart, as an English gentleman, that he would get six months' pay as soon as I would be back to New York. In New York, Mr. Stanley paid each \$144 for two months' services. At the end of last January (1856) I again called on Mr. Crampton, but was not received. Mr. Lumley, the secretary, told me that Mr. Smolenski was in England, and that he could do nothing. When in November I had the interview with Mr. Crampton, I asked him for a written order for the money, and he declined, saying that I could well understand

that the political situation was such that he could not compromise himself.

I have seen the original papers of which the notarial copies, marked No. 4, are hereto annexed. Mr. Smolenski is in possession of the originals. It was the understanding, distinct and unequivocal, that the men were to be raised in the United States, and sent to the English dominions.

In August last I was in Halifax, and Mr. McDonald, the provincial secretary, offered me, on the part of sir Gaspard le Marchant, a captaincy under the immediate appointment of her British Majesty. I declined on the grounds stated in the document hereto annexed, marked No. 5, and which is the draught of an original letter which I sent to Sir Gaspard le Marchant. The annexed paper, No. 6, is a letter of introduction to Lieutenant Preston, and on which I was received by him, and treated with him on this enlistment business.

I have seen Strobel in Halifax; he was there pointed out to me as a captain in the foreign legion.

CS. L. SIERAWSKI.

Sworn to before me, May 24th, 1856.

FRED'K SMYTH,
Notary Public.

No. 1.

Boston, May 1, 1855.

SIR: By a confidential letter of the Hon. Joseph Howe, dated 28th April, 1855, and by command of his excellency lieutenant-governor of Nova Scotia, I am authorized to raise at Halifax a regiment for the foreign legion for her British Majesty's service. Communicating to you a copy of this act, I have the honor to invite you to join me as a captain in my regiment.

I am, dear sir, respectfully yours,

JOSEPH SMOLENSKI.

Captain LEON SIERAWSKI.

No. 2.

FOREIGN LEGION,
Quebec, August 10, 1855.

August 10, 1855.—Robert Cooke, 19, New York, clerk.

August 10, 1855.—William Bain, 21, Quebec, carver.

August 10, 1855.—Martin McLaughlin, 19, Ireland, cabinet-maker.

August 10, 1855.—John Shea, 20, Quebec, cabinet-maker.

August 10, 1855.—Jerome Ally, 16½, Quebec, clerk

By order of Colonel Smolenski:

LOUIS GALESKI.

MONTREAL, C. E., *August 11, 1855.*

The five men within named have been received by me at this station.

GEORGE BRUCE DAVIES,
Ensign Foreign Legion

No. 3.

FOREIGN LEGATION,
Quebec, August 14, 1855.

August 14, 1855.—William Frost, aged 31, Northampton, England, laborer.

August 14, 1855.—Denis Finin, aged 22, Quebec, moulder.

August 14, 1855.—Patrick Healy, aged 19½, Ireland, sailor.

MONTREAL, CANADA EAST,
August 15, 1855.

The three men named herein have been received by me at this station.

GEO. BRUCE DAVIES,
Ensign Com. Det. F. L., Montreal.

By order of Colonel Smolenski :

LOUIS GALESKI.

COMMONWEALTH OF MASSACHUSETTS :

[L.S.] By his excellency, Henry J. Gardener, governor and commander-in-chief in and over said commonwealth.

To all whom it may concern :

Know ye, that at the date of the annexed attestation, Edward A. Dexter was a notary public and a justice of the peace for the county of Suffolk, in the said commonwealth, duly constituted and commissioned, and that to his acts and attestations, as such, full faith and credit are and ought to be given in and out of court ; that the within attestation is in due from, and by proper officers.

In testimony whereof, I have caused the public seal of the commonwealth to be hereunto affixed, this second day of May, in the year of our Lord, one thousand eight hundred and fifty-six, and in the eightieth year of the independence of the United States of America.

By his excellency the Governor :

FRANCIS DE WITT,
Secretary of the Commonwealth.

UNITED STATES OF AMERICA,
Commonwealth of Massachusetts.

SUFFOLK, } ss:
City of Boston.

I, Edward A. Dexter, notary public, by legal authority admitted and sworn, and dwelling in Boston aforesaid, and a justice of the peace for the county of Suffolk, do hereby certify to all whom it may concern, that the annexed paper writing, marked A, is a true and exact copy of a certain paper purporting to be a letter of instructions and agreement, signed by Joseph Howe, and addressed to Major Joseph Smolenski; which was presented to me by Joseph Smolenski, and by him declared to be an original letter—the same having been carefully examined and compared by me with said original at the request of said Smolenski.

In testimony whereof, I have hereunto set my hand and affixed my
 [L. S.] notarial seal, this twenty-fourth day of September, in the year
 of our Lord one thousand eight hundred and fifty-five.

EDWARD A. DEXTER,
Notary Public and Justice of the Peace.

A.

[Confidential.]

Boston, *April 28, 1855.*

MY DEAR SIR: Referring to the conversations which we have had to the policy of the British government, as explained to you, and to the wishes of the gentlemen associated with you, as you have explained them, I have now the honor, by command of the lieutenant-governor of Nova Scotia, to authorize you to raise in that province a regiment to form part of the foreign legion, upon these terms:

You shall be colonel of the regiment when raised. Mr. Souckorowski shall be major. The commissions of captains and lieutenants will be given to such officers as you may select.

The fares and passages of the men will be paid or provided by my agents at Boston or New York.

Four dollars per man will be paid to your order in Boston for any man shipped from thence. If any, on their arrival, refuse to enlist, you will find another to take his place.

Men who are in debt, or who may live beyond New York, may pay their debts or additional expenses by order on the provincial secretary in Nova Scotia, to be deducted from the bounty of \$30 which each man is entitled to receive.

I have the honor to be, my dear sir, your obedient servant,
 JOSEPH HOWE.

Major JOSEPH SMOLENSKI.

Memorandum.—The words “in Nova Scotia to authorize you to raise” were first written in the original letter (line 5) and then erased.

E. A. D:

I do hereby certify that the above document is a true copy of the original one given and delivered to me in Boston on the 28th of April, 1855, by the Hon. Joseph Howe, and by command of his excellency the lieutenant-governor of Nova Scotia.

JOSEPH SMOLENSKI, *Colonel.*

Boston, *May 1, 1855.*

Boston, *April 28, 1855.*

MY DEAR SIR: I have read the annexed letter, a copy of which has been furnished to me, and I undertake to serve her Majesty the Queen upon the terms as therein explained.

I have the honor to be, my dear sir, your obedient servant,

JOSEPH SMOLENSKI.

Hon. JOSEPH HOWE.

Boston, *May 1, 1855.*

SIR: By a confidential letter of the Hon. Joseph Howe, dated April 28, 1855, and by command of his excellency lieutenant-governor of Nova Scotia, I am authorized to raise at Halifax a regiment for the foreign legion, for her British Majesty's service. Communicating to you a copy of this act, I have the honor to invite you to join me as a lieutenant in my regiment.

I am, dear sir, respectfully yours,

JOSEPH SMOLENSKI, *Colonel.*

Lieut. JOSEPH TRAZASKA.

No. 5.

HALIFAX, 23 Aout, 1855.

EXCELLENCE: J'ai en l'honneur de recevoir la communication de l'offre Cienveillaut de votre part par l'organe de Monsieur McDonald, qui me propose un grade d'officier dans la legion étrangère au service de la Majesti Britanique. Une Fois engage dans la mime legion par l'intermaidiare du Colonel Smolenski, aussitôt que cet engagement se troure rompu par des circonstances independantes de cet officier, je ne puis que partager le sort bon au mauvais de tous mes collegues et compatriotes, qui aut pris part dans cette affaire se fiant sur la validité de parole et droiture des agents de S. M. Britanique. Saute autre vaix me parait n'etre qu'une por faiture a l'honneur d'un gentil homme.

J'ai l'honneur, d'etre avec le plus profond respect, de votre excellence, le tres humble et très obeisant serviteur,

L. SARAWSKI.

No. 6.

NEW YORK, *August 1, 1855.*

DEAR SIR: I have the pleasure to introduce to your notice Captain Leon Sierawski, the first of my officers as captain, sent to take immediate active service in her Majesty's foreign legion.

As I have, or ought to have, nearly two companies, and only one lieutenant, Ignace Fimeski, who is actually now at Halifax, and as his excellency Sir Gaspard intends to send a portion of recruits to Europe, therefore it is my duty to collect all my men from all parts and depots, as also to present to his excellency, for his approbation, the officers who shall take the command of said companies, for which organization I myself, temporarily, will leave the United States for Halifax. In consequence of the above statement, Captain Leon Sierawski is ordered to go to your depot with 20 men from here, to take all those which I did send previously with him down to Montreal, and without any delay proceed to Halifax, where I'll be waiting for him.

I trust, therefore, dear sir, that you will have the kindness to expedite promptly Captain Sierawski with my and any other number of men you choose to send to Halifax under his command, as the vessel chartered by government to transport for England the troops will leave Halifax about the 10th instant.

I am, dear sir, your obedient servant,

J. SMOLENSKI.

Lieut. PRESTON, 76 *Regiment,*
Niagara Falls, Butler's Barracks.

Affidavit of Julius Parkus.

UNITED STATES OF AMERICA, }
Southern District of New York, } ss.

Julius Parkus, of Hoboken, in the State of New Jersey, being duly sworn, says that he is at present a resident of Hoboken, New Jersey; that he is the same Julius Parkus who has been indicted in this district for being one of the parties engaged in recruiting in the United States for the British foreign legion during the late Crimean war. Deponent was engaged for such service, and with the rank of captain, by Mr. Josiah Howe, when he was at Delmonico's hotel, which engagement was afterwards confirmed by Mr. Stanley, in the name of the governor of Nova Scotia. This happened in March, 1855. Deponent went with Oscar Cromrey, who had an introduction on a card to Mr. Howe from Mr. Barclay, the British consul in New York.

The pay was to be \$72 per month, which deponent regularly received from the middle of May, 1855, to the beginning of January, 1856. Deponent was paid generally once every two weeks, at the British consulate in New York. Deponent was superintendent of the

recruiting agents, and for a short time had charge of paying the recruiting agents, and to look to the transport of the troops. Mr. Cromrey and deponent had the charge of this business.

The enlistments commenced in the beginning of April. From April to May deponent received for himself only his expenses. The names of some of the transports were the "Milo," the "Mary E. Smith," the "Buffalo," and the "Tezio." These vessels took recruits to Halifax; they were chartered by Stanley. Stanley and Mr. Crampton were in correspondence about this business. Deponent has seen and read letters from Mr. Crampton to Mr. Stanley about this business. In one of these letters Mr. Crampton wrote to Mr. Stanley that he could pay no more, as all his funds for that service were expended. This was in the end of November last, in answer to the application of deponent, Cromrey, and Schumacher to be sent to England. In another of these letters, about the month of September, Mr. Crampton wrote about Strobel, designating him as a traitor.

Sometimes the money was handed to Stanley by Mr. Barclay. Mr. Barclay engaged a Mr. Weiss to be a private in the legion, as deponent was told by Mr. Stanley. In the month of September last Mr. Stanley called on the deponent, and asked him for all his (deponent's) accounts and papers, as Mr. Crampton wanted them. They were given up, as well by deponent as by Cromrey, Schumacher, and Kuenzel, and Jorgensen. The latter is now in Boston. Mr. Stanley took these papers to Mr. Crampton, in Washington.

The enlistments were stopped at first in August, temporarily, then they were again commenced, and continued about a fortnight, and were then finally stopped.

Max Thomann is now in Nicaragua; Stanley in September last sent him to Halifax to settle his account there. In September last Jorgensen, Thomann, and Kuenzel each received \$130 from Stanley. At that time Stanley showed us a letter from Mr. Crampton to him, (Stanley,) that he (Crampton) could do no more for them than to order each of them to be paid \$130.

JULIUS PARKUS.

[L. s.] Sworn to before me May 23, 1856.

FREDERICK SMYTH,
Notary Public.

[This person is one of the witnesses for the British government.]

Affidavit of Oscar Cromrey and William Schumacher.

UNITED STATES OF AMERICA, }
Southern District of New York, } ss.
City and County of New York, }

Oscar Cromrey and William Schumacher, being duly sworn, say, each for himself, that they are the same persons who have heretofore deposed in this matter, as well for the government of Great Britain as

for the United States. That they know Max Thomann. He is the same person who furnished the affidavits to the British government in regard to Hertz, and which affidavits appear as having been sworn to before Mr. Edwards, in New York, and before some person in Philadelphia.

The said Cromrey says that he was present with said Thomann at Mr. Edward's office, after the trial of Wagner; saw Edwards pay Thomann money. Thomann told him it was \$40. It was then and there arranged that Thomann should go to Philadelphia to get affidavits against Strobel and Hertz. Mehler, who made the affidavit in Philadelphia, is an intimate friend of Thomann. The suggestion to go to Mr. Edward's office was made by Mr. Stanley. The deponents both say that said Thomann was very friendly and intimate with Stanley. Thomann was engaged in the recruiting business. He, Thomann, received large sums of money from Stanley for that business. Thomann and Stanley dispatched the "Adelaide" with recruits from New York to Nova Scotia. The only time they heard Strobel spoken of was by Stanley, about the time that Mr. Crampton had sent the letter calling him a traitor, and about the time of Wagner's trial. Stanley then informed the deponent that Strobel got \$25 a week from the United States. The said Schumacher says that when in jail here, in May, for want of bail, Mr. Barclay sent the money, for the support of the prisoners on that charge, then confined in Eldridge street prison, by Thomann. The deponents both say that the British consulate employed counsel for them, to wit: Hon. W. R. Beebee and J. S. Carpenter, esq's. The said Carpenter is a brother-in-law of Stanley. The deponents were present at the examination of the charge against them before Commissioner Betts, in May last. The deponent's counsel made the point that it was no offence in law for the deponents to induce persons in the United States to go to Halifax, there to be examined and enlisted in the British service, and to furnish them the means for going. The commissioner, however, held that these deponents were chargeable with such offence. The said Cromrey says that he was present in court at the trial of Wagner; Thomann and Parkus were also present. Parkus asked Thomann to point out Strobel, and Thomann said that he did not know him: and further he says not.

OSCAR CROMREY,
WILLIAM SCHUMACHER.

Sworn to before me, May 24, 1856.

[L. s.]

FRED. SMYTH,
Notary Public.

The said Cromrey further says, that D. Denicke's office, No. 5 Chambers street, was used as a private rendezvous for the recruiting agents. That he was paid at the rate of \$30 a month. The room was engaged by deponent. Stanley paid for it; gave deponent the money for it several times. Further he says not.

OSCAR CROMREY,
WILLIAM SCHUMACHER.

Sworn to before me, May 24, 1856.

[L. s.]

FRED'K SMYTH,
Notary Public.

Affidavit of Julius Parkus.

THE UNITED STATES OF AMERICA, }
Southern District of New York, } ss.

Julius Parkus being duly sworn, says that he knows Frederick Denicke; said Denicke has made an affidavit for the British government. Deponent paid said Denicke \$30 a month for the use of his office as a private rendezvous for the agents in the enlistment business. Denicke's store was No. 5 Chambers street. Stanley gave the money to deponent to pay Denicke. Cromrey also paid Denicke several times with money got from Stanley. Denicke knew what was going on. Deponent heard Stanley say to Denicke to take care "that he was not caught." Deponent was present at the trial of Wagner, in New York. Thomann was in court, and deponent asked Thomann to point Strobel out to him, but Thomann said that he did not know him, Strobel. And further he says not.

JULIUS PARKUS.

Subscribed and sworn to this 24th day of May, 1856, before me.
 [L. s.] FRED'K SMITH,
Notary Public.

[This person is one of the witnesses for the British government.]

Affidavit of William Schumacher, March 12, 1856.

UNITED STATES OF AMERICA, }
Southern district of New York, } ss.

William Schumacher, at present residing at No. 11 Crosby street, in the city of New York, being duly sworn, says that he is a native of Schleswig Holstein, and has been an ensign in the fourth riflemen of that country; that he came to the United States in 1851; that, in the spring of last year, 1855, he resided in the city of New York.

Sometime in the early part of April, 1855, I went from here to Boston at my own expense, intending to go to Halifax, there to enter the British service. I went in company with, and at the suggestion of, Mr. Cromrey. In Boston I went to the packet office of Clark, Jones & Co., in company with Mr. Cromrey. Cromrey showed to Mr. Clark a letter which he had from Mr. Howe, and they gave us tickets for a cabin passage in the barque Halifax, to Halifax, and we went in her. I never paid anything for my passage, nor do I know who paid it. I suppose it was paid by the British government. We arrived there about the 14th or 15th April, 1855. The keeper of the "Caledonia House" came on board and asked whether there were any officers for the foreign legion on board; that, if there were any, he had been sent to take them to his hotel. We went to his hotel. We found there Mr. Carstensen, Mr. Jessen,

Swensen, and Dr. Ashenfelt, all of whom now hold commissions in the English army. This was in the morning; and about twelve, meridian, that day we went to the government building, where we met Mr. Wilkins, the provincial secretary. Cromrey showed him Mr. Howe's letter, and he said that he (Wilkins) was glad to see us up there, that the government was willing to take our offers, which were that we wanted commissions in the legion, if we were willing to return to the United States to raise a company of a hundred men. He enquired our names, took them, and told us that we were enranded, from that day, Cromrey as a captain and myself as a lieutenant. The captain's pay was, I think, £20 per month, and the lieutenant's pay £11. We told them that we would do so. He then told us to make out a bill for our expenses for coming from New York to Halifax, which I did for \$75 for myself, and which was paid by Mr. McDonald, a clerk in Mr. Wilkins' office. We went back to the hotel, where we saw Major Weiss, Captain Strobel, Lieutenant Schumann, and Lieutenant Van Essen; the three last then on actual service on Melville Island, and wearing a British uniform cap. Mr. Wilkins told us that we would get instructions how to act and the necessary funds here in New York; that he had mentioned our names in a letter he had given to Major Weiss. The letter, he said, was addressed, I think he said, to Mr. Turnbull, who was first paymaster here. We left in the schooner Mary Smith for Boston; Major Weiss, Colonel Smolenski, brevet officer Lanscarouski, Captain Carstensen, Lieutenant Jessen, and Lieutenant Rudelius, were also passengers. We arrived in Boston on Sunday, about the 22d or the 24th of April, and stayed there till the next afternoon. Carstensen and Jessen remained in Boston. We obtained their address. Carstensen was the officer to take charge of the recruits from New York on their arrival at Boston. We did not pay our passage. We arrived in New York the succeeding Tuesday morning. We went in Liberty street and put up at a German boarding house, which was a good place for enlisting. The next day Mr. Weiss arrived and told us he had seen the man who furnished the money (Mr. Turnbull) for the enlistment, and we advertised in two German papers for "five to ten young unmarried men who wanted to leave New York." The next day we sent ten or eleven men, and so on every day, for three or four days; on the fourth day we were arrested. I made Mr. Stanley's acquaintance when I was bailed; I never knew the men who became bail for me; I never asked them to become bail. Whilst in jail I wrote a letter to Judge Beebee, which Cromrey and Perkinson signed, asking him to come down and see us in jail. He came the next morning, and I told him that in a day or two I would tell him to whom to look for his fees. Mr. Thomann then arrived from Boston, came to the jail, and we sent him to the British consul, to state our position and to require bail and counsel. He came back, and told us that Mr. Stanley had already engaged Mr. Carpentier as our counsel; but that they would also retain Judge Beebee for us, and that they would arrange everything in regard to bail, so that we had no doubt that we would get out the next day. After being several days in jail, some one bailed me. I then became acquainted with Mr. Stanley; I was

introduced to him as one of the officers; and from that time to January, 1856, I have received pay, at the rate of \$72 per month, from Mr. Stanley. After my release I made further enlistments, until some time about August, 1855; Mr. Stanley knew of this. We called almost every day at the British consulate, in New York, to see Stanley. Mr. Barclay, the consul, knew me by sight; he always bowed to me, or made some sign of recognition. Mr. Stanley once gave me \$200 in cash to take ten recruits to Montreal; Mr. Barclay was then in the office. Stanley also gave me a letter to Mr. Bruce Davis, of the English army, at the recruiting depot in Montreal; he also gave me \$25 to buy mattresses for the accommodation of recruits on board a vessel in Brooklyn. Stanley also gave me, for my pay, his checks on the Grocers' Bank, New York; I gave Stanley receipts for the payments. Mr. Stanley, some time in August, and not before, gave the order to stop recruiting. In September, 1855, Mr. Stanley told us that he was going to Washington to Mr. Crampton, and required all papers to be given up to him. I remember the occasion of the examination on which Antony Rosenbaum was a witness for the United States; Mr. Rosenbaum testified to having had a letter in reference to this business from Mr. Carstensen to Major Weiss, and which he, Rosenbaum, had given to a young man in the Bowery for safe keeping; the examination was adjourned to enable Rosenbaum to produce the letter. *In the meantime I had received from Mr. Stanley five dollars to get the letter from the man whom Rosenbaum had given it to, and I got it, and have ever since had, and I now produce it, and it is annexed.* The letter could not be produced by Rosenbaum. While Rosenbaum was in jail I gave him \$12, which Stanley returned to me. I am 23 years of age. I was present when Stanley paid the witness fees for the witnesses against Rosenbaum.

WILHELM SCHUMACHER.

Sworn to before me, March 12, 1856.

[L. S.]

FRED'K. SMYTH,
Notary Public, New York.

Boston, Massachusetts, May 3, 1855.

MY DEAR SIR: Mr. Rosenbaum has delivered to me the men he was in charge of, and has received from me the sum of five dollars per head. This sum, according to what I have already written to you, must not be exceeded, (including expenses,) except by arranging the matter so as Mr. Thoman will explain to you.

As, however, this time Mr. Rosenbaum has had expenses for the men, amounting to two dollars in all, you will please refund this to Mr. R., and charge it to the government by which it *will* be honored.

The agents bringing men are entitled to tour and RETOUR tickets free; as Mr. Rosenbaum has not received a *retour*, you will please reimburse this expense at government charge.

Your sincere friend,

F. ELBYLFORBE CARSTENSEN.

Major WEISS, New York,

UNITED STATES OF AMERICA, }
Southern District of New York. } ss.

Oscar Cromrey, residing at No. 27 Bayard street, in the city of New York, being duly sworn, says:

I have been in the Prussian military service, and have been a lieutenant in the 11th infantry battalion of the forces of Schleswig Holstein. I came to the United States in 1853.

When I read in the newspapers the passage, in the British Parliament, of the foreign enlistment bill, I wrote to Sir Edmund Head, at Quebec, and to the Duke of Newcastle, British war minister at London, to raise officers and men in the United States for the foreign legion. I received an answer from Sir Edmund Head's secretary, that they would write to the home government, and that then I would receive a definite reply. I received a printed letter from the office of Duke of Newcastle, that in a short time further communication would be entered into with me. I wrote from my then stopping place in New York, and received my reply to the care of Carstensen & Gildermeister, architects, Appleton Building. New York. This letter from the British war office I received in the last part of February or beginning of March last, and the next day I received a message to come to the British consulate in New York. I went there, and saw Mr. Barclay. Mr. Barclay told me that he had on the previous day received a letter from Canada, and asked my opinion about recruiting in the United States; whether I believed it would be easier to send the people by vessel or by railroad, and I told him I thought it would be best to send them by railroad, that shipping by vessel would be too troublesome. He said he would report my answer to Canada, and that he would be glad to see me again in eight or nine days. I called again after ten or twelve days, and introduced Mr. Thomann to him, as I had some difficulty then in making myself understood in plain English. I called there repeatedly, and in the first week in April I went to Mr. Barclay's office. Mr. Barclay gave me a card of introduction to Mr. Joseph Howe. Mr. Barclay said that his previous communications had been with Canada, but now the home government had transferred this matter to Nova Scotia, and therefore he sent to Mr. Howe. Mr. Joseph Howe was then stopping at Delmonico's. Mr. Bucknell was Mr. Howe's secretary. I saw Mr. Howe several times, and he (Howe) asked my opinion, but made no arrangements with me. He gave me, however, a letter of introduction to Sir Gaspard Le Marchand, at Halifax. I then, with Schumacher, went to Halifax. I corroborate all the facts spoken to by Mr. Schumacher in the deposition made by him, and hereto annexed. I drew my first monthly payment of \$72 from Mr. Stanley, in the British consul's office, and have drawn pay from him to January last. Mr. Stanley also introduced me at the shipping office, No. 27 South street, where vessels for Halifax and Nova Scotia are put up, and said that if I came and chartered any vessel, that I had the right to do so for him or the consul. It then became my duty to charter the vessels for the recruits, and to make the arrangements. I chartered the Sarah Adelaide twice, the

Buffalo, and the schooner that was taken at sea. During the latter portion of the service Mr. Hosack chartered the vessels.

Mr. Barclay and Mr. Stanley both knew of our carrying on the enlistment. Mr. Stanley gave me money and spoke to me about this business in the presence of Mr. Barclay.

The final order to stop recruiting was given in August. The annexed paper envelope is the envelope of the letter I received from Sir Edmund Head. The original letter, and also the document received from the British war office, were given up by me, on the request of Mr. Stanley, to him when he went to Washington to settle accounts with Mr. Crampton.

Our pay, \$72 a month, was to continue, by agreement with Mr. Stanley, as long as we remained under bail. He said he did so as being empowered by the British minister at Washington, and when the case was finished we were either to be sent to England or otherwise compensated.

I have had frequent conversations with Mr. Barclay about this business. He told me at the start that the thing must be kept secret, so as to have no trouble about the United States laws. I engaged sub-agents with Mr. Barclay's knowledge. They got \$5 head money, which was paid by me from money received by me from Stanley for that purpose. I know that Lutz was employed by Mr. Howe. I engaged, as sub-agents, Wachter, Trevant, Meyer, and others.

I am twenty-six years of age.

In the fall of last year, (October or November,) Mr. Stanley sent me to see Strobel and to ask him how much he claimed to leave the United States. About the end of July last I received \$230, or thereabouts, from Mr. Stanley, to take sixteen men to Niagara, Canada, which men I delivered to Captain Preston. I found about ninety men there, all from the United States. I got it at the consulate. Mr. Barclay was there.

OSCAR CROMREY.

Sworn to before me, March 12, 1856.

[L. s.]

FRED'K SMYTH.

Notary Public, New York.

Copy.

“Envelope.”

M. Oscar Cromrey,

Care of

Messrs. Carstensen & Gildemeister,

Paid.

348 Broadway,

Barclay.

New York.

[This person is one of the witnesses for the British government.]

Affidavit of Oscar Cromrey, March 12, 1856.

UNITED STATES OF AMERICA, }
Southern District of New York. } ss.

Oscar Cromrey, residing at No. 27 Bayard street, in the city of New York, being duly sworn, says: I have been in the Prussian military service and have been a lieutenant in the 11th infantry battalion of the forces of Schleswig, Holstein. I came to the United States in 1853.

When I read in the newspapers the passage in the British Parliament of the foreign enlistment bill, I wrote to Sir Edmund Head at Quebec, and to the Duke of Newcastle, British war minister at London, offering to raise officers and men in the United States for the foreign legion. I received an answer from Sir Edmund Head's secretary, that they would write to the home government, and that then I would receive a definite reply. I received a printed letter from the office of the Duke of Newcastle, that in a short time further communications would be entered into with me. I wrote from my then stopping place in New York, and received my reply, to the care of Carstensen & Gildemeister, architects, Appleton's building, New York. This letter from the British war office I received in the last part of February or beginning of March last, and the next day I received a message to come to the British consulate in New York. I went there and saw Mr. Barclay. Mr. Barclay told me that he had on the previous day received a letter from Canada, and asked my opinion about recruiting in the United States. Whether I believed it would be easier to send the people by vessel or by railroad; and I told him I thought it would be best to send them by railroad, that shipping by vessel would be too troublesome. He said he would report my answer to Canada, and that he would be glad to see me again in eight or nine days. I called again after ten or twelve days and introduced Mr. Thomann to him, as I had some difficulty in making myself understood in plain English. I called there repeatedly, and in the first week in April I went to Mr. Barclay's office. Mr. Barclay gave me a card of introduction to Mr. Joseph Howe. Mr. Barclay said that his previous communications had been with Canada, but now the home government had transferred this matter to Nova Scotia, and therefore he sent me to Mr. Howe. Mr. Joseph Howe was then stopping at Delmonico's. Mr. Bucknall was Mr. Howe's secretary. I saw Mr. Howe several times and he (Howe) asked my opinion, but made no arrangements with me. He gave me, however, a letter of introduction to Sir Gaspard Le Marchand, at Halifax. I then, with Schumacher, went to Halifax. I corroborate all the facts spoken to by Mr. Schumacher in the deposition made by him, and hereto annexed. I drew my first monthly payment of \$72 from Mr. Stanley in the British consul's office, and have drawn pay from him to January last. Mr. Stanley also introduced me at the shipping office, No. 27 South street, where vessels for Halifax and Nova Scotia are put up, and said that if I came and chartered any vessel that I had right to do so for him or the consul. It then became my duty to charter the vessels for the

recruits, and to make the arrangements. I chartered the Sarah Adelaide twice, the Buffalo, and the schooner that was taken at sea. During the latter portion of the service, Mr. Hosack chartered the vessels.

Mr. Barclay and Mr. Stanley both knew of our carrying on the enlistments. Mr. Stanley gave me money, and spoke to me about this business in the presence of Mr. Barclay.

The final order to stop recruiting was given in August. The annexed paper envelope is the envelope of the letter I received from Sir Edmund Head. The original letter, and also the document received from the British war office, were given up by me on the request of Mr. Stanley to him when he went to Washington to settle accounts with Mr. Crampton.

Our pay, \$72 a month, was to continue, by agreement with Stanley, as long as we remained under bail. He said he did so as being empowered by the British minister at Washington; and, when the case was finished, we were to be either sent to England, or otherwise compensated.

I have had frequent conversations with Mr. Barclay about this business. He told me at the start that the thing must be kept secret, so as to have no trouble about the United States laws. I engaged sub-agents with Mr. Barclay's knowledge; they got \$5 head money, which was paid by me from money received from Mr. Stanley for that purpose. I know that Lutz was employed by Mr. Howe. I engaged, as sub-agents, Wachter, Trevant, Meyer, and others.

I am twenty-six years of age. In the fall of last year, (October or November,) Mr. Stanley sent me to see Strobel, and to ask him how much he claimed to leave the United States. About the end of July last I received \$230, or thereabouts, from Mr. Stanley, to take sixteen men to Niagara, (Canada,) which men I delivered to Captain Preston. I found about ninety men there, all from the United States. I got it at the consulate. Mr. Barclay was there.

OSCAR CROMREY.

Sworn to before me, March 12, 1856.

[L. s.]

FRED'K SMYTH,

Notary Public, New York.

Envelope, addressed to "M. Oscar Cromrey, care of Messrs. Cars-ton and Gildemeister, 348 Broadway, New York."

"Paid, B. M'y."

Envelope bears post marks of Quebec and Montreal.

THE UNITED STATES OF AMERICA, }
Southern District of New York. } ss.

Louis Kazinski, of No. 74 West Twenty-third street in the city of New York, being duly sworn, says:

That he is the same person who, on or about the 22d day of October last, made a declaration on oath before Charles Edwards, notary public of the State of New York, at the city of New York, touching and concerning Max F. O. Strobel and others, for the use of the British government.

And this deponent further says that he is the author and writer of the annexed printed statement entitled "The Mysteries of British Recruiting" and signed "An Officer in the late British American Foreign Legion," addressed to the editor of the New York Tribune, and dated New York, March 11, 1856, and published in said Tribune on the succeeding or next succeeding day.

And this deponent further says, that all the statements, facts, and allegations in the said printed publication contained are all and each and every of them true. This deponent further says, that the name of the person described in said statement as a Russian, called Mr. White, was, in fact, Weiss.

This deponent further says, that a fee of five hundred dollars was paid to the counsel for this deponent at Boston upon his trial as therein stated. That such fee was laid out by Charles H. Stanley for account of the British government. Said Stanley had no means of his own, and he has told this deponent, on many occasions, that he, Stanley, got some of his money for that purpose and for the recruiting business from Mr. Crampton, the British minister at Washington, and also, from the colonial government at Halifax. Deponent had repeated occasions to ask said Stanley for money to pay the parties who had been acting as agents for the enlistment, and said Stanley would refer to his waiting for money from Mr. Crampton. Deponent has seen said Stanley write letters by mail to Mr. Crampton, and also, telegraphic dispatches, which deponent read before they were sent. These letters and dispatches, did in terms require Mr. Crampton to send money to said Stanley, to pay for the enlistments, as the money was wanted. Deponent was on familiar and confidential terms with said Stanley. Said Stanley is a hard-drinking man, easily excited by liquor, and when so excited, is very communicative. These requests for money appeared to be promptly and readily answered, from May, 1855, to September, 1855, when said Stanley went to Washington, as hereinafter mentioned.

Deponent further says, that to the knowledge of deponent, two vessels, viz: the Taesel and Buffalo, were chartered to carry the recruits from New York to Nova Scotia. There was a distinct correspondence between Stanley and Mr. Crampton, regarding these vessels and their purpose. Stanley reported to Mr. Crampton the number of recruits on board, designated them under fictitious characters, and Mr. Crampton replied in the same style. Deponent read this correspondence. This was in the months of May and June, 1855. About the beginning of last August, (1855,) Mr. Stanley proposed to this deponent to take all the papers, in the capacity of messenger, to Mr. Crampton, but a letter was received from Mr. Crampton, and which was seen and read by deponent, advising Mr. Stanley temporarily to stop the enlistments, and the arrangement to go as messenger was not made. Deponent knows Mr. Crampton's handwriting well. Deponent says that he was paid at the rate of two dollars per day, which pay continued until the month of January, 1856. Deponent's business with Mr. Stanley was transacted mostly at the British consulate, in the city of New York, in the presence and hearing, and undoubtedly with the knowledge of Mr. Barclay, the British consul. That some-

times when deponent would desire money, in anticipation of Mr. Crompton's remittances, Mr. Stanley would ask Mr. Barclay for it, and get it from him. In September, 1855, Mr. Stanley went to Washington himself, with the papers, to deliver them to Mr. Crampton. Deponent says, that one Smolenski, who was to be the colonel of the legion, was frequently referred to by Mr. Stanley as having important papers from Mr. Crampton, and that he had paid him eight hundred dollars.

LOUIS KAZINSKI.

Sworn to before me, May 23, 1856.

GEO. F. BETTS, *U. S. Com.*

THE MYSTERIES OF BRITISH RECRUITING.

A CLEAR INSIDE VIEW.—PATRIOTISM AND PERPLEXITIES OF STANLEY.—NAVAL EXPEDITIONS DEFEATED.—HOW THE CONSULATE FAILED TO PAY UP.—WITH OTHER INTERESTING PARTICULARS.

BRITISH RECRUITING IN THE UNITED STATES.

To the Editor of the New York Tribune:

SIR: Since the attention of the public has been considerably excited by the declaration of Lord Clarendon in Parliament, that no further apology would be tendered to the American government for the violation of the neutrality laws, a simple narrative, based upon facts, may not be out of place in the columns of your journal at this moment.

After a fruitless voyage from the United States to England, I returned to this country a year ago, where, to my utmost surprise, I saw an advertisement in the German newspapers of this city: "Wanted, 10,000 men to enlist in the foreign legion." After some inquiries I was directed to the British consulate, in Barclay street, for further information. On arriving and explaining the object of my visit, Mr. Barclay informed me that I would best obtain my wish by travelling to Halifax and presenting my demand to Sir Gaspard Le Marchand. I then told Mr. Barclay my unsuccessful voyage to England on this very subject, and he politely enough tendered me his services by forwarding any letter I wished to direct to the colonial government at Halifax. I did write a letter addressed to Sir Gaspard Le Marchand, which I gave to Mr. Barclay, but never received an answer.

Some weeks later I returned to the consulate, and found another gentleman, to whom I addressed my request, and was begged to wait until the arrival of the gentleman who had the affairs of the recruiting business in his hands. This was Mr. Stanley, secretary of the consulate. He informed me that he had the direction of the enlistment business in his hands, and that no commissions were given to anybody; that the rank of a commission depended entirely on the number of men brought to Halifax—one hundred men for a captaincy, and so progressing; that he had money in his hands to pay \$5 for every man shipped to Halifax, and that he would try to put me on the pay list at the rate of \$18 a week. I soon found agents who procured me men, who were put down to my account, and for whom my agents

were paid \$5 per head, in the presence of Mr. Stanley, in Chambers street. A few days after, this gentleman requested me to take command of a number of men who were to be shipped for Halifax in the Tiesel, a Nova Scotia vessel of about 100 tons, which was lying in the East river, on the Brooklyn side.

I consented, and the same evening, with instructions in my pockets, and in company with Mr. Stanley, left the Prescott House in a carriage for Brooklyn. Before leaving New York, Stanley wished to take a Russian, by the name of White, with him, who lived in a German boarding house in William street, and who was recommended to him by the president of the German Aid Society, assuring me that he was a stout-built man, who could be of considerable service to me in case of a difficulty on board. After some trouble we succeeded in finding the Russian, and soon after found ourselves in Brooklyn. Great was our disappointment when the captain of the Tiesel assured us that, notwithstanding his assurances, he could not be ready for sea before Monday night, and that all the recruits were in a boarding house.

Mr. Stanley, though somewhat enraged, soon became satisfied with the arrangement, paid to the captain \$500 and \$25 to the landlady, and requested me to see how many candidates for gunpowder were there. It would be a difficult task to describe my surprise, produced by the ludicrous appearance of these fellows, and no sooner were my feet safely lodged in a room, which my guide called a bar-room, than at least twenty voices, in three different tongues, and as many patois, were screaming after brandy, lager-beer, cigars, and tobacco. I tried to pacify these hungry wolves, gave strict orders for them to be kept in doors, and left in company with Stanley again for the Prescott House.

Monday came, and carpet-bag in hand, and a pair of pistols in my pocket, I was ready to start, when Mr. Cromrey, a lieutenant in the pay of Stanley, brought us the information that the United States marshal, with a posse of men, was arresting our recruits, and that he saw Joachimson conversing with the Russian. Hazardous as it may seem, I took a carriage and drove over to Brooklyn, and here saw enough. I saw the United States marshal surrounded by his men and many spectators. I escaped, fortunately, and gave new instructions to my agents to be more prudent in their engagements. Soon after I sent an agent of mine with a number of men by railroad to Boston, where the house of Clark & Jones had orders from Halifax to ship these men for the place just named. It seemed that my agent, by the name of Philipp Kaufman, for the sake of gain, deceived these men, and on arriving in Boston his recruits revolted and had him arrested. Soon after, Mr. Stanley engaged the bark Buffalo, commanded by Captain Stuart, for the purpose of taking recruits to Nova Scotia. After having succeeded in filling this vessel with men of all sizes, qualities, and disqualities, I, in company with a certain Mr. Hussack and Mr. Rudelius, left New York and reached the Buffalo, which had previously sailed, near Blackwell's Island. Arrived on board, I counted the men and handed the said Hussack a certificate, stating the number of men on board for Mr. Stanley. Shall I confess how utterly disgusted I was, not only with the accommodations for me and my

sub-lieutenants, but even for the men? Two bundles of straw spread for seventy-one persons, who were constantly kept below to avoid suspicion; and as if Providence were against me, not the slightest breeze to carry us out of danger. Mr. District Attorney McKeon and Mr. Joachimson were constantly before my eyes, and every steamer coming or going gave me a nervous excitement. In the day time the sun scorched me; at night, with the deck for my couch, and my carpet-bag for my pillow, I had to fight myriads of mosquitoes. That my moral miseries might be complete, Captain Stuart had not even a pound of butter, fresh or old, or a pound of meat on board.

After eight days' torture we reached Tarpanlin cove, where a perfect calm obliged us to let the anchor go, and not having sufficient fresh water, Captain Stuart and Mr. Rudelius, whom I begged to buy some provisions, went ashore. Scarcely had they left the vessel when not far from us I discovered a United States revenue cutter, and soon, to my utmost dismay, one of the men signalized by signs of his hand to the officers of the cutter. It was recognized; a boat was lowered, and an officer of the cutter boarded our vessel. After a short conversation with my men, the officer turned to me, asking if I was a British officer. Not deeming it proper to answer this question, he asked after the captain, and was told that that individual was ashore. He then returned to the cutter. Mr. Stuart returned with water and some provisions, but no sooner was he on board than the lieutenant returned with the instructions of his commander, Captain Clarke, which placed us under his custody.

Two days elapsed on this uninteresting coast without a change in regard to our position. On the evening of the second day a United States officer, accompanied by the United States marshal of Boston, as I was informed, boarded our vessel and soon requested our company. Here a kind of interrogatory was commenced to ascertain our names, and which resulted in the dismissal of the bark *Buffalo* and our captivity. A fresh breeze soon brought us to Boston. Here carriages were procured for me and my officers, which brought us to the United States district court, where the United States commissioner, Woodbury, bound me and my officers each in \$1,000 to appear before the United States district attorney. Mr. Rudelius immediately telegraphed to Mr. Stanley, to which this gentlemen paid no attention. How to procure bail was a riddle to me. Though having many personal friends in Boston I hesitated to request such a service from them, as the cause of my arrest could scarcely be in harmony with their feelings, still my position was anything but pleasant—scarcely any means of subsistence, with two officers and a doctor claiming my moral protection, I resolved upon finding bail, and begged the district attorney, Mr. Hallet, for a few hours liberty. My request was granted; but as it was late in the evening all the business places were deserted, and I returned to the district court where the United States marshal conducted me to prison.

My indignation knew no bounds, having several times telegraphed to Mr. Stanley, yet being without an answer. Next morning at 10 o'clock we appeared again in court, and Mr. Woodbury counselled me to employ lawyers.

I again requested Mr. Hallet for a few hours liberty, which were

granted me, and success now crowned my enterprise. A friend, whose name I am not at liberty to disclose, gave the necessary security for my appearance, and advanced me money enough to make the three other officers comfortable, who, since then, have lived upon the prison food. I even obtained from Mr. Hallet a recommendation for the prison-keeper, which gave me permission to visit these unfortunate gentlemen, and which gave them some additional comforts. My trial was postponed, and I had a week before me to visit New York. Having not yet received a single note from Mr. Stanley, I could scarcely believe that I had to deal with a gentleman, an official of her Britannic Majesty, and the confidante and acting agent of Mr. Crampton. To his not very great joy, I arrived on the 4th of July at the Prescott House, where, after many protestations of his innocence in respect of what I had suffered, he assured me that everything would be done to my satisfaction, and he, sure enough, had instruction to that purport from Mr. Crampton. Lulled again into confidence by his apparent candor, with a letter of a very limited credit on Clark & Jones in Boston, I left New York.

At last the day of my trial appeared, Messrs. Andrew and Burt acting for me and the other officers, and Mr. Hallett for the United States government. Nearly all the men found on the Buffalo were witnesses against us. But their evidence was too feeble; they had never seen me before my arrival on the Buffalo, had even scarcely spoken to me, and, in fact, did not know me. The presiding judge, after summing up the case, recommended the jury to render a verdict of "not guilty;" to which verdict the jury agreed unanimously, without leaving the court room.

The trial had lasted nearly a week, and, though I never feared conviction, I certainly felt more at ease. Having waited for instructions from Mr. Stanley a reasonable time, and receiving none, I concluded that my presence was needed in New York, and procuring the bill from my lawyers, which amounted to \$1,000, I departed for New York. I saw Mr. Stanley at his office in Barclay street, and handed him the bill, at the same time asking again for money to pay some debts necessarily incurred on account of my trial in Boston. He then proposed to me to proceed to Washington with dispatches for Mr. Crampton, adding he could not trust such letters to the post office. I gladly accepted his offer. The next day he said he had telegraphed to Mr. Crampton, and had since changed his mind. A week passed; my bill became due at the St. Nicholas, and I asked Stanley for money. He then excused himself under the plea that the British government had sent orders to Mr. Crampton to discontinue for the present the enlistments, and that this gentleman had written to him (Mr. Stanley) to cease all recruitings, (which letter I read,) and that he had no funds, and was unable to give me any money. I suspected that I misunderstood Mr. Stanley, being unable to comprehend how any one having a human conscience could deny his moral engagements with a gentleman who had acted only too honorably with his employer. I remonstrated, but to no purpose. Dejected in spirits, I returned to my hotel, where Mr. Strobel awaited my return with impatience. He openly proposed to me to make overtures to the United

States government, but, though ill treated, I declined to betray confidence.

Again, I returned to Mr. Stanley, and found him with Mr. Cromrey, to whom he gave money, and further instructions to accompany a number of recruits by railroad to Buffalo, and from there to Canada. I begged to have the command of this convoy, but he declined my services, with the frivolous excuse that I was not lucky in my undertakings. I regretted exceedingly my misfortune, and wished to be informed if recruiting had recommenced. He denied it, and said that these were the last recruits sent to Halifax. He still retained three German officers in pay—Cromrey, Parker, and Schumacher. Any quantity of boarding house keepers presented their bills to him; some of which he paid, and others rejected. The Hertz trial at Philadelphia then touched Mr. Stanley's conscience considerably, and fearing that his own trial would at last begin, he again became more friendly toward me; and having heard that Mr. Strobel and I were on a friendly footing, offered me \$50 if I would make an affidavit of my knowledge of Captain Strobel's actions. I did not see any objection to doing so, because my knowledge could be of no possible use to him; and he gave me a line to Mr. Charles Edwards, who received my affidavit.

It then became evident to Mr. Stanley that the United States district attorney had several times wished to see me, and under the feeble pretext that I was of considerable service to him, he again wrote a note to Mr. Edwards to arrange matters to my satisfaction. A conversation then took place between me and that gentleman, when I was told that, if I would wait till the end of Mr. Stanley's trial without asking for any compensation for my services, I could be of far more service to that gentleman. I refused to do this; when Mr. Edwards wished me to call the next day, since he desired to see Mr. Stanley again in reference to the sum of money to be stipulated to insure my silence. The next day Mr. Edwards said that, as the counsel, he could not very well have any knowledge of any money transaction between me and Stanley; but if I would see that gentleman, everything could be arranged to my satisfaction. Without even considering my interest, I accepted the proposition of Mr. Stanley, which was to pay me two dollars a day till his trial was over, and then to have a liberal compensation, for which I had to keep silence, and when put on the witness-box to refuse to answer, on the plea of compromising myself. I then saw Stanley often, and he repeatedly told me that I was the only witness he feared. He fulfilled his engagement with me for eight weeks, and then declared that he had no money on hand to pay. He telegraphed several times to Mr. Crampton without, as he said, receiving an answer, till, being hard pressed by the German officers, he went last January to Washington, and after returning he paid to those officers each \$130. In claiming my dues, he said that Mr. Crampton had no money, and the British government refused to send any more. During the period from August till late in the fall of 1855, Stanley several times wished to compromise or bribe Mr. Strobel, and instructed me to make overtures to that effect to that gentleman.

If the British cabinet really apologized in June last, as Lord Palmerston states in his reply to Mr. Roebuck, for the violation of the neutrality laws, the same offence, since that time, (even as late as the end of July and commencement of August,) was repeatedly committed through the agency of Crampton and his aide-de-camp, Stanley.

As soon as the recruiting was over nearly all the officers were dismissed without any compensation, by the authorities of Nova Scotia. All the engagements contracted with British officials were violated by them, and only a few, who had important letters from Mr. Crampton, received considerable sums from Mr. Stanley to secure their silence.

I am, sir, your obedient servant,

AN OFFICER IN THE LATE BRITISH AMERICAN FOREIGN LEGION.
NEW YORK, *March 11, 1856.*

NEW YORK, *ss.*

The said Louis Kazinski, being further sworn, says that during last winter, some time in December or January last, deponent was present in the British consulate in New York, and saw Dr. Frederiek Denieke paid for the use of his rooms for the enlistment business. Denieke claimed a balance and Stanley objected to it. There was a dispute between them, and it was settled by Stanley giving Denieke a check for the amount.

L. KAZINSKI.

Sworn to before me. May 24, 1856.

GEO. F. BETTS,
United States Commissioner.

UNITED STATES OF AMERICA, }
Southern District of New York, } *ss.*

Oscar Cromrey being sworn says: that he knows the handwriting of Hon. John F. Crampton; that he has seen two letters in the possession of Charles H. Stanley, which were signed by said Crampton. The first letter he saw in September last. This letter referred to one Smolenski, who was to be a colonel of the legion, and Mr. Crampton, in answer to Smolenski's claim for compensation, wished to hear Stanley's opinion of what should be done with Smolenski. The second letter he saw was in January last. Deponent had applied to Mr. Crampton for money, and Stanley showed an answer, that Crampton wished to hear Stanley's views.

Mr. Stanley claimed to be in constant correspondence with Mr. Crampton.

OSCAR CROMREY.

Sworn to before me, May 23, 1856.

GEO. F. BETTS,
United States Commissioner.

UNITED STATES OF AMERICA, }
Southern district of New York, } *ss.*

William Schumacher being sworn, says: that he has read the annexed affidavit of Oscar Cromrey, dated this day, and that the same is true to the knowledge of deponent.

WM. SCHUMACHER.

Sworn to before me, May 23, 1856.

GEO. F. BETTS,
United States Commissioner.

Mr. Marcy to Mr. Crampton.

DEPARTMENT OF STATE,
Washington, May 28, 1856.

SIR: The President of the United States has directed me to announce to you his determination to discontinue further intercourse with you as her Majesty's diplomatic representative to the government of the United States. The reasons which have compelled him to take this step at this time have been communicated to your government.

I avail myself of this occasion to add that due attention will be cheerfully given to any communications addressed to this department from her Majesty's government affecting the relations between Great Britain and the United States, which may be forwarded to this government through any other channel.

Should it be your pleasure to retire from the United States, the President directs me to furnish you with the usual facilities for that purpose. I consequently enclose herewith the passport given in such cases.

I avail myself of this opportunity to renew to you, sir, the assurance of my respectful consideration,

W. L. MARCY.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

Mr. Marcy to Mr. Barclay.

DEPARTMENT OF STATE,
Washington, May 28, 1856.

SIR: For reasons which have been communicated to her Majesty's government, the President has revoked the exequatur heretofore granted to you, by which you were permitted to exercise the functions and enjoy the privileges of British consul at New York.

I herewith send to you a copy of the act of revocation.

I have the honor to be, your obedient servant,

W. L. MARCY.

Mr. ANTHONY BARCLAY,
Her Britannic Majesty's consul, &c.

[Same, *mutatis mutandis*, to Mr. Mathew.]

FRANKLIN PIERCE, PRESIDENT OF THE UNITED STATES OF AMERICA :

To all whom it may concern :

Whereas, by letters patent, under the seal of the United States, bearing date the second day of March A. D. 1843, the President recognized Anthony Barclay as consul of her Britannic Majesty at New York, and declared him free to exercise and enjoy such functions, powers, and privileges as are allowed to the consuls of the most favored nations; but, for good and sufficient reasons, it is deemed proper that he should no longer exercise the said functions within the United States.

Now, therefore, be it known that I, Franklin Pierce, President of the United States of America, do hereby declare that the powers and privileges conferred as aforesaid on the said Anthony Barclay are revoked and annulled.

In testimony whereof, I have caused the letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand, at the city of Washington, the 28th day of [L. s.] May, A. D. 1856, and of the independence of the United States of America the eightieth.

FRANKLIN PIERCE.

By the President.

W. L. MARCY,
Secretary of State.

The same to George Benvenuto Mathew, her Britannic Majesty's consul at Philadelphia.

The same to Charles Rowcroft, her Britannic Majesty's consul at Cincinnati.

Mr. Marcy to Mr. Rowcroft.

DEPARTMENT OF STATE,
Washington, May 28, 1856.

SIR: For reasons which have been communicated to her Majesty's government, the President has revoked the exequatur heretofore granted to you, by which you were permitted to exercise the functions and enjoy the privileges of British consul at Cincinnati.

I herewith send to you a copy of the act of revocation.

In consequence of this proceeding the President has deemed it proper that the pending prosecution against you for the violation of the neutrality law of the United States should be discontinued.

Orders to that effect have been issued to the United States attorney at Cincinnati.

I have the honor to be your obedient servant,

W. L. MARCY.

Mr. CHARLES ROWCROFT,
Her Britannic Majesty's consul, Cincinnati.

Proceedings of the circuit court of the United States for the eastern district of Pennsylvania, May 22, 1855, as reported in the Philadelphia North American of May 23, 1855.

ENLISTMENTS FOR FOREIGN SERVICE.

“A hearing was had on Tuesday, before the United States circuit court at Philadelphia, (Judge Kane presiding,) in the case of Messrs. Hertz, Perkins, and Bucknell, charged with recruiting soldiers for the British army in the Crimea.

“The defendants sued out a habeas corpus asking to be discharged from custody. The testimony taken before Commissioner Heazlitt, at the primary hearing, was read by United States District Attorney Vanddyke, and its application to the cases before the court commented upon. He claimed to have the authority to indict the defendants under the act of 1818. The second section, upon which the prosecution relies, reads thus:

“‘And be it further enacted, That if any person shall, within the territory or jurisdiction of the United States, enlist or enter himself, or go beyond the limits or jurisdiction of the United States, with intent to be enlisted or entered in the service of any foreign prince, State, colony, district, or people, as a soldier, or as a marine or seaman on board of any vessel of war, letter of marque or privateer, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding one thousand dollars, and be imprisoned not exceeding three years.’

“Judge Kane said he had read the act and formed an opinion. He would reject from the consideration every argument founded on the punctuation of it. The phraseology of the second section is clear. The word soldier does not connect itself with any vessel. The important words in the bill are hire or retain, which include mutuality of engagement. Contract means one having paid or engaged to pay or perform. I do not think that the payment of the passage from this country of a man who desires to enlist in a foreign port comes within the act. In the terms of the printed proclamation there is nothing conflicting with the laws of the United States. A person may go abroad, provided the enlistment be in a foreign place, not having accepted and exercised a commission. There is some evidence in Hertz’s case that he did hire and retain, and, therefore, his case would have to be submitted to a jury. In Perkins’ case there was testimony upon which a jury might convict. In Bucknell’s it appears that there was a conversation at which he was present, but there was no enlistment, or hiring, or retaining. The conversation related as to the practicability of persons going to Nova Scotia to enlist. If the rule I have laid down be correct, then the evidence does not connect him with the misdemeanor. Mr. Bucknell is, therefore, discharged, and Messrs. Perkins and Hertz are remanded to take their trial.”